

PARENTS HAVE THE RIGHT TO REQUEST EVALUATION FOR SPECIAL EDUCATION SERVICES AT ANY TIME

Parents who know their child is having a difficult time understanding school work or learning the classroom curriculum might wonder if their child has a Specific Learning Disability (SLD).

The term *Specific Learning Disability* is a general term that describes certain kinds of learning problems. Because learning disabilities cannot be seen, SLD is sometimes called the 'hidden disability' and often goes undetected. Specific Learning Disabilities are caused by a difference in the brain that affects how information is received, processed, or communicated and affects each person differently. A learning disability can cause a person to have trouble learning and using certain skills, including reading, writing, listening, speaking, reasoning, and doing math. Some children with SLD may have a difficult time making friends and some may have problems with muscle/motor coordination.

It is important for parents to know and understand the rights of students with SLD under the Individuals with Disabilities Education Act (IDEA), the federal special education law. One of the most important rights is the ability to request an evaluation from the school district to determine if their child has a disability and if the child is eligible for special education and related services.

The IDEA regulations state that the parent has the right to ask for an evaluation to determine if their child has a disability under IDEA (IDEA Regulations, Sec. 300.301). The U.S. Department of Education clarifies this right in the comments to the regulations (IDEA Regulations, 2006):

"We will add (new language) to ensure...parents of a child suspected of having an SLD are notified about the State's policies regarding...their (parents) right to request an evaluation at any time. If parents request an evaluation and provide consent, the timeframe (timeline) for evaluation begins and the information required in 300.309(b) must be collected (if it does not already exist) before the end of the period."

Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities, Federal Register, Vol. 71, No. 156, August 14, 2006, Page 46658.

These statements express the Department's intent regarding implementation of the law. In other words, these comments are directions to state departments of education and local school districts regarding what they must do to comply with the law.

Question: What is the meaning of the statement "and the information required in 300.309(b) must be collected (if it does not already exist) before the end of that period?"

Answer: This statement refers to information collected by the school district during a multi-tiered intervention process, often referred to as Response to Intervention (RTI). State departments of education may require local school districts to use an RTI process to help children who are having a hard time learning grade level material. RTI gives students who are struggling to learn additional academic support before the school district determines if these children should be referred for a comprehensive special education evaluation. (See The ABC's of RTI in this newsletter. Also see the LDA Information Sheet on RTI and the LDA Position Statement on RTI at www.ldaamerica.org.)

Question: How long might my child receive interventions under an RTI process?

Answer: There are no time lines in the IDEA regarding how long children should receive these interventions. The first tier interventions are used with the entire class (universal interventions), while more intensive interventions are targeted and the number of weeks to complete the interventions may vary widely.

However, regardless of where the child is in an RTI process, the IDEA regulations give parents the right to request an evaluation for special education services at any time. The law also says that information from an RTI process must be collected before the end of the timeline set in place by the date of the parent's letter requesting a special education evaluation.

Question: Within how many days after the parent gives consent to evaluate the child must the school district complete an evaluation for special education services?

Answer: IDEA sets a evaluation timeline of 60 days.

What parents need to know: If, after evaluating your child, the school says the child is not eligible for special education services, you have other rights. If you disagree with the evaluation, you may request an Independent

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Educational Evaluation (IEE) at the school district's expense. Most important, if the school district finds your child ineligible and you still have concerns you need to pursue other options to determine if a learning disability exists. For more information on learning disabilities and how to obtain appropriate services for your child, please contact the Los Angeles Learning Disabilities Association at 626/355-0240.

LALDA recommends parents follow these suggestions for referring your child for a special education evaluation:

Put your request for an evaluation in writing and send it by Certified Mail or deliver it to the Director of Special Education and Principal. When delivering your request in person ask for a copy of the written request to be date stamped and/or request office staff to sign and date your copy, verifying that it was received. The letter can be as simple as this:

1. "Dear (Director of Special Education):

My child (first and last name) is having a difficult time learning. (child's first name) is in (# grade) at (name of school). I am requesting that (child's name) be given a comprehensive evaluation that includes an IQ test or some other test of cognitive abilities to determine if he/she has a learning disability.

I/We look forward to receiving the Assessment Plan within 15 days from the date you receive our request for an assessment as required by California state law. If (child's name) is in an RTI program I/we expect the results of those interventions to be included in the assessment report indicating the specific academic progress or lack of progress (while in the RTI program) she/he has experienced. I/We understand that our signature on the Assessment Plan starts the 60 day assessment timeline as required by federal law and gives consent for (child's name) evaluation to begin. I/We expect a meeting date will be set within the 60 day timeline. I/We look forward to hearing from you.

I/We hope that these evaluations will be completed promptly. We then can have an IEP meeting to discuss the results of these evaluations and plan for (child's name) future education. I/we are requesting that a copy of the assessment report be given to me/us one week before the IEP meeting.

Many thanks,
Your Signature
Your name, address, and phone

2. Once the Assessment Plan is signed call the district Special Education office to determine who will be in charge of your child's assessment and to confirm that the timeline has started for the assessment.

For additional information regarding assessments call the LALDA office at 626/355/0240.

IDEA Money Watch
www.IDEAmoneywatch.com

IDEA Money Watch is providing information, resources and updates on how local school districts across the nation are utilizing the \$11.3 billion provided for the Individuals with Disabilities Education Act (IDEA) in the American Recovery and Reinvestment Act (ARRA).

According to the U.S. Department of Education, these funds "will provide an unprecedented opportunity for states, LEAs, and EIS programs to implement innovative strategies to improve outcomes for in-

fants, toddlers, children, and youth with disabilities while stimulating the economy."

Features of IDEA Money Watch include:

- * Balance Sheet - a hard look at key issues;
- * Recovery Act FAQs - the basics to get started;
- * State IDEA FACTS - data lookup for every state
- * State BLOGS - news, facts and resources for every state
- * Tips and Tools - what to watch for and ways to evaluate use of funds;

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The CAPSES website has an Online Member Directory. You can search by region, name of school, agency or Licensed Children's Institution. This is a good resource to locate the non-public schools in your area.