

The Special Education Process

Adapted from the Department of Elementary and Special Education

1. **Child Find.** Local districts must identify, locate, and evaluate all children residing in the district with disabilities that need special education and related services. To do so, districts conduct "Child Find" activities. Referral or request for evaluation. A school professional (i.e. teacher, counselor, principal) may ask that a child be evaluated to see if he or she has a disability. Parents may contact the child's teacher or other school professional to ask that their child be evaluated. This request may be verbal or in writing. Parental consent is needed before the child may be tested as part of an evaluation. The testing needs to be completed within 60 calendar days after the parent gives consent.
2. **Evaluation.** The evaluation process includes a review of existing data and additional testing, if needed. The child must be evaluated in all areas related to the child's suspected disability. Evaluation results are used to decide the child's eligibility for special education and related services and to make decisions about an appropriate educational program for the child. If the parents disagree with the results or conclusions of any part of the evaluation, they have the right to an Independent Educational Evaluation (IEE). They can ask that the school system pay for this IEE.
3. **Eligibility Determination.** A team of qualified professionals and the parents look at the child's evaluation results. The team decides if the child is a "child with a disability," as defined by IDEA. If the team cannot agree on your child's eligibility, the district must make the final decision about your child's eligibility. Parents may challenge the eligibility decision through a due process hearing. (For more information read Due Process in a following section.)
4. **Eligible.** If your child is found to be a "child with a disability," as defined by IDEA, he or she is eligible for special education and related services. Within 30 calendar days after a child is determined eligible, the Individualized Education Program (IEP) team must meet to develop an IEP for the child. This team includes:
 - Parents of the child
 - Regular education teacher of the child
 - Special education teacher of the child
 - District representative
 - Individual(s) who can interpret instructional needs identified in the evaluation process

****The team members can serve in more than one role.****

5. IEP Meeting Scheduled. School personnel will schedule and conduct the IEP meeting. School staff must:
 - Contact the participants, including the parents
 - Notify parents early enough to make sure they have an opportunity to attend
 - Attempt to schedule the meeting at a time and place agreeable to parents and the school
 - Tell the parents the purpose, time, and location of the meeting
 - Tell the parents who will attend
 - Tell the parents that the district and the parent may invite other people to the meeting who have knowledge or special expertise about their child if the district is unable to gain parent participation after attempting to schedule two separate meetings they may proceed without you.

6. IEP Meeting. The IEP team meets to talk about your child's educational needs, write the IEP, then determine placement. Parents and the student (when appropriate for the student) are part of the team.

Before the school district may provide special education and related services to your child for the first time, the parents must give consent for those services in writing. The child begins to receive services as soon as possible after consent is given. If the parents do not agree with the IEP and/or placement, they should discuss their concerns with the IEP team at the IEP meeting. Parents can ask for a resolution conference, mediation, or the school may offer mediation if parents and school personnel are unable to resolve their differences. Parents may request a due process hearing with the Missouri Department of Elementary and Secondary Education, at which time mediation will be offered by the State to the parents and the school district at no charge. (For more information on Due Process see the section on Dealing with Conflicts.)

7. Services. The school makes sure that your child's IEP is implemented as it was written. Parents are given a copy of the IEP. Each of your child's teachers and service providers have access to the IEP and know his or her specific responsibilities for carrying out the IEP, including all accommodations, modifications, and supports that must be provided to your child. The IEP is a tool for you and the district to monitor your child's educational progress.

8. Progress. Your child's progress toward the IEP annual goals is measured, as stated in the IEP. Parents are regularly informed of their child's progress and

whether that progress is enough for the child to achieve the goals by the end of the year. These progress reports must be provided to parents for students with disabilities as often as reports are provided to parents for nondisabled children.

9. IEP Review. The IEP team must review your child's IEP at least once a year, or more often if the parents or school personnel ask for a review. If necessary, the IEP is revised. Parents, as IEP team members, must be invited to attend these meetings. Parents can make suggestions for changes, can agree or disagree with the IEP goals, and agree or disagree with the placement. If parents do not agree with the IEP and/or placement, they may discuss their concerns at an IEP meeting with other members of the IEP team and try to work out an agreement. There are several options available, including additional testing, an independent evaluation, asking for a resolution conference, or asking for mediation or a due process hearing.
10. Reevaluation. At least every three years your child must be reevaluated. Your child may be reevaluated more often if conditions warrant. (See the section on Reevaluation in this guide for more information.)

The Evaluation

The purpose of the evaluation is to determine if your child has a disability, to identify his or her education needs, and to determine the need for special education services. Your child must be evaluated in all areas related to the suspected disability. This evaluation will include reviewing existing information and conducting additional tests, if needed. The evaluation must be thorough enough to identify all of your child's special education and related services needs, even those that are not commonly linked to the suspected disability category. It must include information you provide and information related to enabling your child to be involved in and progress in the general education curriculum. If you submit a report from outside sources, the district must consider it as part of the evaluation process. No single procedure can be used as the only means of deciding if your child has a disability or what services are needed. Tests must be given in your child's native language or primary mode of communication. Tests or evaluation procedures must not be racially or culturally biased.

If your child is exhibiting behaviors that interfere with his or her learning or the learning of others you may request a functional behavioral assessment as part of the evaluation or reevaluation. Such an assessment helps families and school officials better understand why your child behaves the way he or she does. (For more information on functional behavioral assessments, you may contact MPACT, DESE, or other resources.)

Reevaluation

When your child is receiving special education services, a reevaluation must be done at least once every three years. If you think additional information is needed before time for the three-year reevaluation, you may request that the district conduct an earlier reevaluation. School personnel and parents may request a reevaluation at any time they think it may be necessary.

When conducting a reevaluation, the IEP team, including you and other qualified professionals, review current information about your child. This review may be done without a meeting. Evaluations and information provided by you, current classroom-based assessments and observations, observations by your child's teacher and related service providers such as occupational, speech, or physical therapists, are reviewed. The purpose of the reevaluation is to determine if any additional information is needed for the IEP team to decide:

- If your child still has a disability
- Your child's present level of performance and educational needs
- If your child continues to need special education and related services
- If any additions or modifications to your child's special education and related services are needed for your child to meet the IEP annual goals and participate in the general education curriculum
- If additional information is needed that requires testing, you will receive a written notice. Your informed consent will be necessary to do those additional tests. When you give your consent, the district will conduct the necessary tests within 60 days. The district must make two (2) attempts to obtain your signed consent. If you fail to respond to the district's requests, they can proceed with the assessments without your signature.
- If the IEP team decides additional information is not needed in order to decide if your child continues to have a disability, you must be notified of:
 - The decision and the reasons for it, and,
 - Your right to request an assessment to determine whether your child continues to qualify for special education services.

The district does not have to do additional testing unless the team reviewing the existing information agrees it is needed, or you request it to determine if your child continues to qualify for special education services.

Independent Educational Evaluation

If you disagree with the evaluation results, you have the right to request an independent educational evaluation (IEE) at public expense. Professionals who are not employed by the school district conduct an IEE. Your right to an IEE

assures you that upon requesting the IEE, the district must provide you with information about where an IEE may be obtained and the agency criteria applicable for the IEE. It is always best to make such requests in writing, being sure to date your letter and keep a copy. (The district must provide you information about where independent educational evaluations may be obtained.)

You may request an independent evaluation, but the district may decide that its own evaluation is appropriate. If the district refuses to pay for an independent evaluation it must initiate a due process hearing to show that the districts evaluation was appropriate and the independent evaluation is, or was, unnecessary. If the hearing panel decides that an independent evaluation is necessary, the school district is responsible for the cost of this evaluation. If the hearing panel decides that the evaluation is not needed, parents will be responsible for the cost of the independent evaluation. The school must consider the results of an independent evaluation.

Any evaluation information you have about your child should be provided to and must be considered by, the school district.