



EVALUATION IS THE KEY TO ELIGIBILITY



In order for a child to receive special education services, they must be found eligible through an evaluation process. This document outlines the steps to follow if you think your child may be in need of specially designed instruction (special education).

1

REQUEST AN EVALUATION IN WRITING by letter or email to school administration. School must respond by agreeing to evaluate or by refusal to evaluate in writing on a Prior Written Notice Form.

Advocacy Tip: In your written request include a “please respond by” date to avoid delays.

2

PARENTAL CONSENT is needed to complete an evaluation for special education. Once signed it allows the school to complete a comprehensive assessment for determination of eligibility and need of special educational services. Assessments may include: academic, functional, language, motor, developmental, behavioral, or others. Tell the school your areas of concern with your child - academic, physical, functional, etc.

Advocacy Tip: Request and keep a signed copy of all documents.

3

INITIAL EVALUATION TIMELINE is the first time you request a special education evaluation and must be completed in 60 calendar days (every day counts - even holidays and weekends) starting from the day you signed consent. If found eligible, an Individualized Education Program (IEP) must be developed within 30 calendar days.

Advocacy Tip: When you request evaluation, ask the school to allow you to sign parental consent; this will help avoid any delay.

4

ELIGIBILITY MEETING occurs when the IEP team meets (note: parents are a member of the team) to discuss the evaluation findings and determine if the student is eligible for special education services. The answer must be “yes” to the following two (2) questions to proceed:

1 - Does the child have a disability that meets one or more of Tennessee’s disability definitions and standards?

2 - Does the child need special education to access their education?

If the answer is “yes” to BOTH questions, the child is eligible and the IEP team will meet to develop an IEP for the child.

If the answer is “no” to one or both questions, the parent may: request a 504 Plan; share your concerns; request reassessment or further evaluations; request an independent educational evaluation (IEE); request mediation, due process, or a resolution session.

Advocacy Tip: Get a copy of all documents reviewed or discussed in the meeting - evaluations, IEP, documented data, and anything you sign.

5

NOTICE OF PROCEDURAL SAFEGUARDS is provided to you by the school. The Individuals with Disabilities Education Act (IDEA), the federal law concerning the education of students with disabilities, requires schools to provide parents of a child with a disability a full explanation of their parental rights and the rights of the child (Procedural Safeguards) per the U.S. Department of Education regulations and Tennessee law and regulations.

Advocacy Tip: Read the Procedural Safeguards and ask the school team to explain them if you have questions. Watch TNSTEP’s Basic Rights Workshop www.youtube.com/user/TNStep

Tennessee Special Education Eligibility

TENNESSEE DISABILITY CATEGORIES

**Autism Deaf-Blindness Developmental Delay Emotional Disturbance Functional Delay
Hearing Impairment Intellectual Disability Intellectually Gifted Multiple Disabilities
Orthopedic Impairment Other Health Impairment Specific Learning Disabilities
Speech or Language Impairment Traumatic Brain Injury Visual Impairment**

| PARENT CONCERN | WHAT YOU CAN DO |
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| <p>"I requested an evaluation for my child, and the principal told me that they could give her a 504."</p> | <p>Be sure to make your request in writing and ask to sign consent for the evaluation. The school must either evaluate the child, or if they refuse, provide you written notice of the refusal. Contact the school system's Director of Special Education if you experience a delay in receiving a response.</p> |
| <p>"I asked about an IEP for my child but was told he would not qualify because he has good grades."</p> | <p><i>"Each State must ensure that a free and appropriate education is available to any child with a disability who needs special education and related services, <u>even though the child has not failed or been retained in a course or grade, and is advancing from grade to grade.</u>"</i> Make a written request for an evaluation and be sure to ask for a response in writing. TNSTEP has a sample letter you can use. <i>IDEA 300.101(c)(1)</i></p> |
| <p>"My child's doctor said the school needs to give my child an IEP."</p> | <p>A child's doctor cannot determine if a child is eligible to receive special education through an IEP. You can share your doctor's diagnosis, evaluations, and concerns with the school, and the school must consider the information when determining if your child is eligible. The school can still request to evaluate your child.</p> |
| <p>"My child has an IEP, but the school wants to remove it."</p> | <p>If the school suspects a child no longer needs an IEP they MUST evaluate them before determining the child is no longer eligible for services. Ask the school for a written copy of the evaluation results they used to determine that your child was no longer eligible for an IEP. <i>IDEA 300.305(e)(1)</i></p> |
| <p>"The school says my child already has an IEP and does not need a reevaluation."</p> | <p>Make your request for a reevaluation in writing and list the specific areas that concern you and where you don't see progress, or that may not have been evaluated previously.</p> |
| <p>"I asked the school about testing for dyslexia and was told they don't do that."</p> | <p>Tennessee's "Say Dyslexia" law requires schools to screen all students for characteristics of dyslexia through Response to Instruction and Intervention (RTI). Ask to see the RTI data they have collected. You can also request an evaluation for special education, and the school cannot delay evaluation while collecting RTI data. You can ask if a 504 Plan would meet your child's needs.</p> |
| <p>"My child has been suspended multiple times, but special education eligibility has not been discussed."</p> | <p>If you suspect that your child has a disability, make a written request for a special education evaluation. Your child's frequent suspensions may be directly related to a disability, and supports provided by an IEP may be needed to ensure they receive an appropriate education.</p> |
| <p>"Can I request that my child be evaluated even if they are homeschooled or in a private school?"</p> | <p>You can request that your local public school evaluate your child to determine if they are eligible for special education. If your child is determined to be eligible, the amount and type of services may differ from the services your child would receive if attending a public school.</p> |

FINAL ADVOCACY TIP: If you disagree with evaluation results, parents have the right to request an independent educational evaluation (IEE) paid for by the school system. *IDEA 300.502*