

## ATTORNEY TIP SHEET # 1

### HOW DO I GET SPECIAL EDUCATION FOR MY CHILD?

#### I. STEP ONE: EVALUATION

The school should conduct an initial (sometimes called a **multi-factored evaluation** (MFE)) to determine eligibility for an individualized education program (IEP).

Tip: Although a school has an affirmative duty (**child find**) to locate and evaluate children, advise the parent to put the request in writing. This helps to establish timelines.

The initial evaluation must be conducted if the school has any **reason to suspect** the child might have a disability and is in need of special education.

Tip: Ohio allows for a **response to intervention** process. This allows a school to implement informal accommodations in the classroom prior to conducting an initial evaluation. Advise parents to be on the look-out for this process which cannot delay the timelines for more formal evaluation if requested by the parent.

The school does not have to conduct the initial evaluation if it **does not suspect** the child might have a disability.

Tip: The school must provide the parent with **prior written notice** (PR-01) **within 30 days** of parent request for evaluation if it refuses to evaluate because it does not suspect a disability.

Tip: Ask the school to also determine whether the child is eligible for a **504 Plan** which can provide special education services and accommodations/modifications.

The initial evaluation must be done within **60 days** of parental consent for evaluation.

#### II. STEP TWO: DETERMINE ELIGIBILITY

The evaluation team meets with the parent to discuss the results of the evaluation. The results of the evaluation are condensed into a document called the **evaluation team report** (ETR).

The ETR describes the child's strengths and needs and serves as the basis for the team determination whether the child qualifies for special education under one of the eligibility categories (e.g., specific learning disability (SLD), other hearing impaired (OHI), autism, etc.).

If child is found ineligible, parents can pursue an **independent educational evaluation (IEE)** at the school district's expense, or pursue a remedy.

If child is eligible, next step is development of IEP.