

PACER's Guide to the **Special Education Evaluation Process** in Minnesota

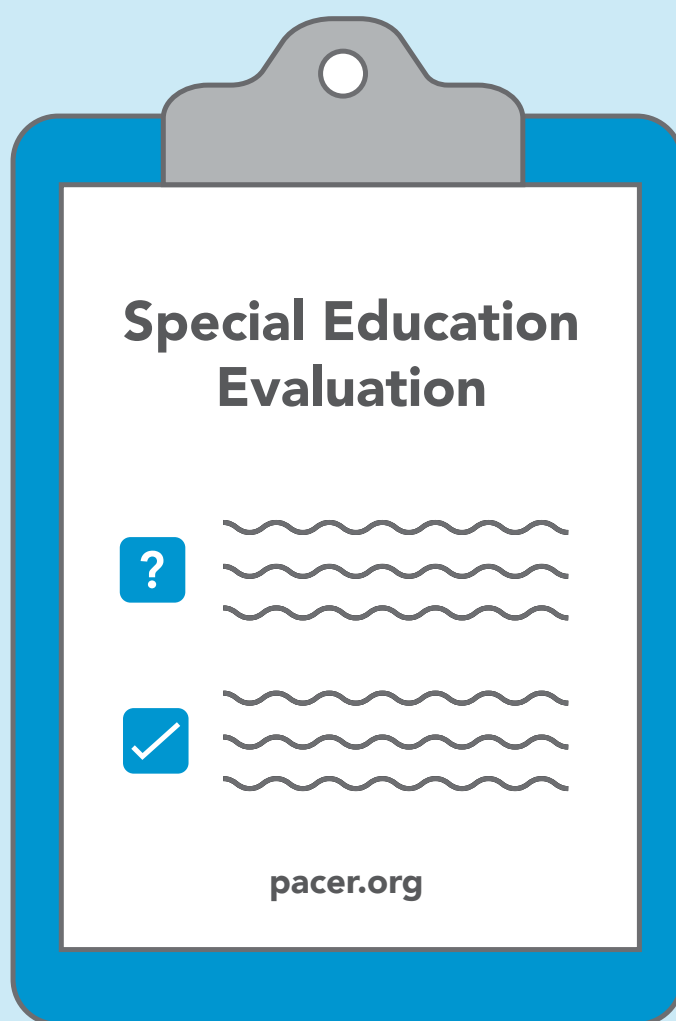


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Is your child having trouble learning at school



School work is designed to challenge students and help them meet grade-level academic standards. Students with disabilities have the right to learn and participate in the general education curriculum. Public school districts must provide these students with the services, accommodations, and modifications that they need to learn the same material as students without disabilities, to the extent appropriate. Public schools have a responsibility to ensure that all students with disabilities have access to a free appropriate public education (FAPE).

If you see your child struggling at school, you may ask yourself or your child's teacher:

- Are my child's academic skills at or close to grade level?
- Does my child struggle with academic subjects such as reading or math more than other children seem to?
- Does my child's behavior, attention span, speech, vision, general intelligence, health needs, or hearing seem to interfere with their learning?
- Do my child's motor skills, such as handwriting or manipulating objects, seem to interfere with their learning?

If your child is having trouble learning at school, they may need more or different support. One option as a first step is to ask your child's teacher if they are also concerned. Another is to ask for a **comprehensive special education evaluation**. This guidebook is intended to help Minnesota parents and guardians navigate this process.

Under federal law, public school districts have a responsibility to identify students with disabilities attending public and private schools located in their district who may need special education services. The term for this is "**child find**." Because of this responsibility, school staff may refer a child for a special education evaluation. There are a wide range of reasons why a teacher might refer your child for a special education evaluation. For example, the teacher might notice your child is struggling in a specific subject, like reading or math. They might observe that your student has trouble communicating or listening. They might have concerns about your child's behavior being age appropriate.

If this is your child's first evaluation, the school must receive your written permission to start the evaluation. You also have the right to request a special education evaluation. You do not have to wait for your child to be referred by a school staff member.

What is a special education evaluation



Educational evaluations are formal ways of gathering information about your child's skills and educational needs. A **special education evaluation** assesses educational need to determine whether your student is eligible for special education under the federal Individuals with Disabilities Education Act (IDEA). Special education is not a place or a room: it is instruction, modifications, and accommodations tailored specifically to help your child learn. If your child is eligible for special education, an Individualized Education Program (IEP) will be developed for them. The IEP spells out the specialized instruction and related services required to help your student benefit from their education.

Special education evaluations must be **comprehensive**. That means they must investigate all areas of suspected disability and potential educational need. It is important that the evaluation gives a **complete** and **accurate** picture of your student's educational needs, so that IEP services can be designed to support those needs. The evaluation may look at intellectual, academic, behavioral, physical, social, and communication needs, as well as other areas.

What measures are used to evaluate a child?

No single test may be used as the sole measure for determining whether your child has a disability that impacts their learning, or for developing an appropriate educational program for your child. The school must conduct an evaluation consistent with the Individuals with Disabilities Education Act (IDEA). It must use information from diverse sources, including formal and informal data. Tests are important, but evaluation also includes other types of information such as:

- Background information, including educational, medical, and family history
- Comparisons of your child's progress to typical developmental expectations
- Observations of how your child functions in school, at home, or in the community
- Interviews with you, school staff, and/or student
- Surveys, scales, or inventories completed by you, school staff and/or student (examples: mental health survey or inventories of behavior/executive functioning)

What types of tests are available?

Although tests are not the only component of an evaluation, they are still important. There may be many tests to choose from in a given area of need. School district staff are often trained in administering a certain version of a test.

When deciding which versions of tests to use and train their staff in, school districts must consider the following factors:

- **Tests must be reliable.** A test is reliable if it offers consistent results when taken at different times and/or given by different evaluators. You should feel comfortable asking about the reliability of the tests given to your child if this information isn't discussed along with the test results.
- **Tests must be valid.** A test is valid if it measures what it was designed to measure.
- **Tests must accurately reflect your child's aptitude or achievement level.** Any standardized tests your child is given must have been validated for the specific testing purpose and administered by trained and knowledgeable personnel.
- **Tests and other evaluation materials must be selected and administered so as not to be discriminatory on a racial or cultural basis.** They must be provided and administered in your child's native language or primary mode of communication and in the form most likely to yield accurate information on what your child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so.
- **Factors that can affect your child's score must be considered.** These factors include your child's attentiveness, motivation, anxiety, and understanding of the test directions.

Parents are not responsible for knowing the details of every type of test available. You can share your observations and areas of concern with the evaluation team and ask them what evaluation measures the district can offer to investigate those areas. However, it may be helpful to familiarize yourself with some types of tests commonly used in special education evaluations.

Curriculum-based assessments (CBAs) or curriculum-based measurements (CBMs) are developed by educational professionals to examine the progress your child has made in learning the specific materials the teacher has presented to the class. They can be useful tools for you and your child's teachers and parents in determining whether a student is learning.

Norm-referenced tests are standardized tests that compare your child's performance to that of their peers. They can tell you where your child stands in relation to other children of the same age or grade. Standardized tests, such as the Minnesota Comprehensive Assessments (MCAs), are developed by experts

to be used with large populations of students. Tests are administered according to specific standards and can help show when a student is behind grade level in a particular subject or area.

Criterion-referenced tests measure what your child is able to do, or the specific skills your child has mastered. Criterion-referenced tests do not assess your child's standing in a group, but rather their performance measured against standard criteria. They may measure your child's progress by comparing your child's present performance with past performance.

Intelligence scales (also called IQ tests) are designed to measure overall cognitive ability. They are broken into five sections:

1. Verbal comprehension
2. Visual spatial
3. Fluid reasoning (ability to think quickly and recall information)
4. Working memory
5. Processing speed

Evaluations will use scores from all five sections to come up with a Full-Scale intelligence quotient (IQ) score. This score can be compared to scores on academic achievement tests and can help identify areas where your student is scoring lower than would be expected, based on their overall IQ score. If your student has a disability that affects their executive functioning, they may score significantly lower in working memory and processing speed than the other sections. This can skew their Full-Scale IQ score, making it lower. When this is the case, evaluation teams can use the first three sections to come up with a General Ability Index (GAI) and use this instead of the Full-Scale IQ score.

Academic achievement tests give a picture of your student's current skill level in a specific academic subject, such as reading, math, or writing. The results are analyzed in sections to help pinpoint specific skills that your student might be struggling with. For example, a reading test might provide separate scores for basic reading skills, reading fluency, and reading comprehension. Each of those sections can be broken down even further into subtests that isolate unique areas where the student needs support.

Additional Areas of Assessment

In addition to intellectual and academic testing, evaluations often include specialized assessments to investigate other areas where your student might need extra support. The specialized assessments used will depend on the observations and areas of concerns you and/or your student's teachers bring to light during the evaluation planning process. Below are examples of areas of assessment that can be included in a comprehensive special education evaluation. This is not a complete list. You can bring any area of concern to the evaluation team and ask what types of assessments they can use to evaluate that area.

- Functional listening
- Functional vision
- Sensory processing
- Executive functioning
- Speech/language and communication
- Assistive technology
- Transition
- Behavioral needs

If your student exhibits challenging behaviors that are a significant obstacle to their engagement in school, the district might propose to include a **Functional Behavioral Assessment (FBA)** as part of the evaluation

plan. An FBA is a structured data-gathering process that aims to find the root cause of why a student exhibits concerning behaviors. It also identifies positive behavior interventions and supports to use in school. The goal of an FBA is to understand the unmet needs a student is trying to communicate through challenging behavior, and to develop a plan to better meet those needs. For more information about FBAs, visit: <https://media.pacer.org/php/php-c215a.pdf>.

What does the initial special education evaluation process look like

The initial special education evaluation process has many steps and can take a long time. First, you and the district need to agree that an evaluation is necessary. Next, you will work together to develop an evaluation plan. After you agree in writing to the proposed evaluation plan, the evaluation report must be completed and provided to you within **30 school days**. The district will invite you to a meeting with the evaluation team to discuss the evaluation report and determine your child's eligibility for special education services.

Here is an outline of the steps, with more detail about each below:

1. **Initiating the process: special education evaluation request or referral**
2. **Developing the initial evaluation plan: the important role of parents**
3. **Conducting the evaluation: 30 school day timeline**
4. **Meeting to review the evaluation results: eligibility determination**

1. Initiating the process: special education evaluation request or referral

As noted prior, school staff may refer your student for an evaluation if they suspect your student needs special education and related services. However, the school must have your consent to conduct a special education evaluation. You also have the right to ask the school district to evaluate your child. You should ask for this in writing (an email or letter), date it, and send the request to the principal and/or special education director. It is helpful to include a detailed list of the ways you observe your child struggling in school. You can also include written information from your child's teachers or doctor if you want. **Please note:** although the school district must consider a private evaluation that you share with them, they do not have to agree with the results, conclusions, or recommendations.

Keep a copy of your request. The school district should reply in writing in the form of a document called a **Prior Written Notice**. The Prior Written Notice includes a section explaining the district's decision as well as a form that you can use to consent or object. In response to your request, the Prior Written Notice sent by the school might contain a variety of responses. They may:

- **Ask for a meeting.** The school may want to talk about your concerns. They may need more information.
- **Propose to try some interventions first.** The school may want to try teaching your child differently before completing a special education evaluation. Interventions are programs that provide temporary extra support to help your student catch up in a particular area. If the interventions are successful, your child may not need special education services. You may choose to waive those interventions and request that the district move straight to the comprehensive special education evaluation.
- **Agree to do an evaluation.** The school may immediately propose an evaluation plan, or they may ask to meet with you first to get your input. You must be given a chance to provide input into the evaluation plan, and the evaluation cannot begin until you consent in writing to the plan.

- **Refuse to conduct the evaluation.** The school must explain their reasons for saying no. They must tell you what options you have if you disagree with their decision. If you disagree with the district's decision, you can document that objection on the response form, or otherwise in writing, and request a Conciliation Conference. To learn more about this option, **contact a PACER advocate** or call (952) 838-9000.

2. Developing the initial evaluation plan: the important role of parents

Once you and the school district agree that a special education evaluation is needed, the next step is to agree on the areas of potential concern that the evaluation will cover. Your input into the evaluation plan is very important. Schools must involve you in this planning process. This is typically done at an evaluation planning meeting; however, it can also take place through phone conversations. What's important is that you have the chance to share your observations, concerns, and priorities so that you can be sure the evaluation will cover all areas of suspected need.

As the expert on your child, you have valuable information to share with the people who will assess your child. Parents know their children better than anyone. You are the only member of this team who sees your child in many different environments. Long after the last teacher or therapist is no longer in your child's life, you will be there to support and encourage your child. You can make the difference now by sharing what you know about your child, asking questions, and helping to develop your child's evaluation plan. You have the perspective of a lifelong close connection, and you know your child's learning history. Be sure the evaluation plan includes an interview with you, so that your knowledge of your child will be included in the evaluation.

For more information on developing the evaluation plan, visit: <https://media.pacer.org/php/php-c249.pdf>; *Help for Parents: How to Prepare for a Special Education Evaluation Planning Meeting*.

Once you and the school have discussed what areas should be evaluated, **the school will write an evaluation plan**. It should thoroughly investigate all areas of suspected educational need. The school must provide you with a **Prior Written Notice** that describes each test, interview, or other evaluation method that they plan on conducting. This Prior Written Notice must also address any areas of evaluation that you requested but the school has refused to include in the plan, and their reasons for refusing. The initial evaluation cannot begin without your written consent. However, in the case of a reevaluation, you must respond to the Prior Written Notice within 14 calendar days if you object to the plan. If the school does not receive your written objection to a **reevaluation** plan within 14 calendar days, they can proceed without your written consent. For more on the reevaluation process, please refer to the section of this booklet titled: *When are students reevaluated?*

What questions should I consider when an initial evaluation plan is proposed?

1. What tests and other evaluation materials are being considered for my child? Why? How will the information be used to plan my child's education?
2. Will the evaluator observe my child in the classroom and talk to my child's teachers?
3. Does the evaluator have experience testing children whose problems may be similar to my child's?
4. Will my child's disability interfere with obtaining valid test scores in any area?
5. Will a translator or an interpreter be available if my child needs one? (Testing must be done in a child's native language or sign language if needed.)
6. Is my child similar to the group on which the test was normed (the children used when the test was developed)? Is the person responsible for conducting the test familiar with my child's culture?

7. Will test scores be based on my child's grade or age? If my child was retained, how will that be considered in evaluating the test results?
8. What kind of information will I be asked to contribute to the evaluation?
9. What will be done to help my child feel comfortable during the testing session?
10. Are there any areas I'm concerned about that don't seem to be included in this plan?

If you look at the Prior Written Notice describing the proposed evaluation plan and disagree with it in any way, or need more information before you can decide, contact the lead person on the evaluation team or the school district representative with whom you have communicated. If your questions and concerns cannot be resolved quickly by that person, document your objection on the response form, or otherwise in writing, and request a Conciliation Conference. The school will then work with you to resolve any disagreements.

3. Conducting the evaluation: 30 school day timeline

Once you consent in writing to the plan, the evaluation can begin. The school team will contact you to participate in the evaluation. Any observations and assessments performed usually take place at school. The evaluation report must be completed and provided to you within **30 school days** of the date that you sign and return your consent to the school district's proposed evaluation plan.

4. Meeting to review the evaluation results: eligibility determination

After your child's evaluation is complete, the information gathered will be summarized in an **evaluation report**. The school district is required to invite you to a meeting with the school team to discuss the results and determine whether your child qualifies for special education and related services. This is often called an **evaluation results meeting**.

The evaluation report is often a long, technical, and detailed document and can take some time to review. You may request a copy in advance of the evaluation results meeting so that you are able to read it thoroughly and come to the meeting prepared with your thoughts and questions. The school is not always able to provide the evaluation report before the meeting. If the meeting is held within 30 school days of your consent to the evaluation plan, the district is not required to send you the report before the meeting, but sometimes they will. Alternatively, you can request that the meeting to discuss the evaluation results be delayed a couple of days past the 30 school days to allow you time to read through the report before the meeting. Reviewing the results in a comfortable environment beforehand can reduce your stress and provide time to consider whether the results fit your observations and experiences.

Sometimes the evaluation results are difficult to receive. Although the evaluation report should include information about your child's strengths and interests, it will also include data describing how they struggle so that the team can identify the areas where your student needs more support.

Whether or not you can review a copy of the report ahead of time, it is important that you understand the results of your child's evaluation. You should ask to have the evaluation results explained in plain language by a qualified professional before, during, or after the evaluation results meeting. Feel free to ask as many questions as necessary so that you fully understand the evaluation results and the suggested eligibility determination.

For more information on *Receiving the Results of Your Child's Special Education Evaluation*, visit: <https://media.pacer.org/php/php-c273.pdf>.

What if I disagree with the school's evaluation



You have the right to an evaluation that gives a complete and accurate picture of your child's educational needs. If you don't believe that your child's evaluation report is complete and accurate, there are several ways you can work this out with the rest of the team.

1. Ask the evaluation team to make changes to the evaluation report based on information that has already been gathered.

- You can request that any inaccurate background information (dates, locations, diagnoses, family information, etc.) be corrected.
- You can request that the team add information from your child's private providers (pediatrician, occupational therapist (OT) and/or physical therapist (PT), speech-language pathologist, etc.) to their evaluation report. **Please note:** you are NOT required to share any of your child's private medical information with the school. It is your choice what to share and what to keep private. The school team is NOT required to agree with private information you send or add private provider results to their evaluation, but sometimes they will.
- If you think the evaluation data gathered supports your child's eligibility under a different category of disability for special education services, you can discuss your concerns with the evaluation team and ask them to consider that category. For a list of all of the disability categories in special education, please see the section below, titled: *How are special education evaluation results used?*

2. Ask the evaluation team to conduct additional assessments or gather additional data.

- If there is a significant area of educational need that was not identified in the evaluation report, you can ask the evaluation team about options for conducting additional assessments or gathering the missing data and incorporating it into the report.
- If you think any of the assessments give an inaccurate or incomplete picture of your child's needs in that particular area, you can ask the school district to bring in someone with special expertise from outside the school building to conduct additional assessments in that area of need. For example, this might be a school district board-certified behavior analyst or a school district assistive technology specialist who wasn't part of the original evaluation team.
- If you are concerned that the evaluation report is missing data that supports your child's eligibility for special education services under a different disability category, you can ask the evaluation team about options for conducting the assessments needed to consider that category. For a list of all the disability categories in special education, please see the section below: *How are special education evaluation results used?*

3. Request an independent educational evaluation (IEE) at school district expense.

- If you believe the school district's evaluation gives an inaccurate or incomplete picture of your child, you can disagree and request that the district pay for an independent educational evaluation. An IEE must be conducted by a qualified examiner not employed by the school.
- The school district must provide you with information about where an IEE may be obtained. However, you may select a qualified examiner who is not included in this information.
- If the school district denies a request for an IEE at public expense, they must initiate a due process hearing to show that their evaluation was appropriate.
- The school may not unreasonably delay an IEE, and it must consider the results of the IEE when determining eligibility or developing your child's IEP. However, the school district has no obligation to accept the results of an IEE.

- The evaluators who conduct IEEs are not bound by the 30 school day timeline to complete their evaluation.

For more information on your options when you disagree with the school's evaluation, please visit: <https://media.pacer.org/php/php-c278.pdf>: *I Have Concerns About the Results of My Child's Special Education Evaluation: What Can I Do?*

How are special education evaluation results used



Determining eligibility

One of the main purposes of a special education evaluation (and main topics at the results meeting) is the eligibility determination: does this student meet the criteria for needing special education services? In Minnesota, there are 13 categories under which a student can qualify for special education. A student only needs to be eligible under one of the 13 categories to qualify and to have an IEP. Each of the categories has its own set of criteria, or checklists, that a student has to meet in order to be eligible. Qualifying for special education under a disability category is not the same as a diagnosis. For example, a student might have an Autism diagnosis but not qualify for special education under the Autism Spectrum Disorders (ASD) category. Similarly, a student might qualify under the ASD category, yet have no diagnosis at all. Below is the list of 13 categorical disability areas under which a student can qualify for special education in Minnesota:

1. Severely Multiply Impaired
2. Autism Spectrum Disorders
3. Blind-Visually Impaired
4. Deaf-Blind
5. Deaf and Hard of Hearing
6. Developmental Cognitive Disabilities
7. Developmental Delay
8. Emotional or Behavioral Disorders
9. Other Health Disabilities
10. Physically Impaired
11. Specific Learning Disabilities
12. Speech or Language Impairments
13. Traumatic Brain Injury

You can find more information about Minnesota's categorical disability areas on the Minnesota Department of Education website: <https://education.mn.gov/MDE/dse/sped/cat>.

What if my child is not eligible?

Some of the criteria checklists have very specific requirements. Sometimes students must score within a narrow range on certain kinds of tests to qualify under a category. For most disability categories, if a student is very close to the cutoff, the team may determine the student is eligible for special education, even if they don't meet the specific eligibility requirements. This is called "team override" on eligibility decisions. You can read more about it here: <https://www.revisor.mn.gov/rules/3525.1354>.

Students with disabilities who are not eligible for special education may be eligible for a **504 Plan**. The Section 504 of the Rehabilitation Act of 1973 (commonly referred to as Section 504) is a federal law designed

to protect the rights of individuals with disabilities in programs and activities that receive federal financial assistance, including public school districts. Educational accommodations in a 504 Plan are designed to eliminate discrimination against students with disabilities and remove barriers to accessing education. Section 504 defines disability broadly. A student is determined to have a disability if they have a physical or mental impairment which substantially limits one or more major life activities, including but not limited to: caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Foundation for the IEP

If you and the school district agree that your child is eligible for services, you will work with school staff to plan your child's **Individualized Education Program (IEP)** together at an IEP team meeting. If there is not a lot of discussion needed about the evaluation results, IEP planning may take place at the same time as the evaluation results meeting. If you need some time to consider the evaluation results before developing the IEP, you can request that these be two separate meetings.

You are an equal member of the IEP team. Your observations, priorities, and deep knowledge of your child are essential. You should feel free to ask any questions you have and ask for clarification if anything is unclear. You are not expected to have all of the answers; these are meant to be collaborative processes. The evaluation report is the foundation for the IEP. The annual goals, special education and related services, and accommodations in the IEP are developed by the IEP team based on your child's strengths and needs, as documented in the evaluation report.

For in-depth information about IEPs, read PACER's publication: *A Guide to the Individualized Education Program (IEP) for Minnesota Parents*, available at: <https://media.pacer.org/php/php-a12.pdf>.

When are students reevaluated



Students who receive special education services must be reevaluated at least once every three years, unless the parent and school team agree that a reevaluation is unnecessary to make educational decisions. The purpose of reevaluation is to confirm that the student still requires special education and to identify any new areas where they might need support. Students with IEPs are not evaluated more often than once a year, unless the parent and school team agree that a new evaluation it is necessary sooner.

Any time significant new or different educational needs arise, a parent can request a reevaluation, even if it hasn't been three years. When a child has challenging behaviors in school that are not improving with or without planned interventions, a district may conduct a Functional Behavioral Assessment (FBA) as part of a reevaluation or as a standalone assessment. For more information about FBAs, visit: <https://media.pacer.org/php/php-c215a.pdf>.

The three-year reevaluation includes a review of existing evaluation data, information you provide, classroom assessments, and observations, consistent with the IDEA. The IEP team, which includes you, decides whether new assessments are necessary to determine if the student continues to need special education and related services. If your child has new needs or you believe the team needs updated information about a particular area of need, be sure to request that the team conduct new assessments in that area in addition to the records review.

You may receive a Prior Written Notice proposing that the team has sufficient information to determine whether your child continues to be eligible for special education and related services and that a reevaluation is unnecessary. At this point, the team is not required to conduct additional assessments unless you or your student's teacher request them. If you disagree and request the reevaluation in writing, the district is required to complete it.

School districts and charter schools must also conduct a reevaluation before taking any action to significantly change a student's educational placement. Educational placement does not refer to the physical place where a student is in school. It refers to the percentage of the school day that a student with a disability is educated away from their peers who do not have disabilities. Significant changes in placement that require a reevaluation first include changing the setting listed on page 1 of the IEP (for example, moving a student from a Level 3 to a more restrictive Level 4 setting), suspensions beyond 10 school days, or exiting a student from special education. For more information on special education placement settings, visit: <https://media.pacer.org/php/php-c265.pdf>.

What if my child attends private school or is home-schooled

If your child attends private school or is home schooled and you think they may have a disability that affects their learning, you can obtain a special education evaluation. If your child attends private school, the **public school district** where the private school is located is responsible for conducting the evaluation. If your child is homeschooled, the public school district where you live is responsible for the evaluation.

You should request the evaluation **in writing** and send your request to the district's director of special education. If you don't know who that person is, ask the principal of your child's private school for assistance. They may give you contact information for the local school district's special education private school liaison. You can also contact PACER and ask to speak with an advocate who can help you navigate this process.

For more information on *Obtaining an Evaluation for a Private School Student*, visit: <https://media.pacer.org/php/php-c147.pdf>.

Summary

The special education evaluation process is an in-depth investigation of a student's unique educational skills and needs. It helps determine whether a student is eligible for special education services under the federal Individuals with Disabilities Education Act (IDEA) and Minnesota special education laws. Parents and guardians are crucial members of the team and play an important role throughout the evaluation process. You can provide insight into how your child learns, ensuring that the evaluation covers all areas of suspected need and that the evaluation gives a complete and accurate picture of your child.

If you have any questions or would like individualized support, contact **PACER Center at (952) 838-9000 or pacer@pacer.org** and ask to be connected to a Parent Advocate. You can also reach out to the **Minnesota Department of Education Special Education Division at (651) 582-8616 or mde.special-ed@state.mn.us**.



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