



Everything You Wanted to Know About Evaluations

You may have noticed that the Individuals with Disabilities Education Act (IDEA), uses the word “appropriate” when discussing a child with a disability’s Individualized Education Program (IEP).

Evaluations are important in determining what an “appropriate” education is for your child. The IEP team, including educational professionals and you, the parent, should consider the specific needs, specific strengths, and specific goals for your child, and then determine the supports and services to reach those goals. A full and individualized evaluation is the building block upon which your child’s individualized program is built. Families and teachers both play a role in completing an evaluation.

The federal law, IDEA, details the evaluation process under Section 300.3041.

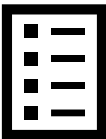
- 1 The school must provide notice to the parents of a child with a disability that describes any evaluation procedures they plan to use.
- 2 An evaluation is a process with a lot of steps and many different sources of information.
- 3 All a student’s strengths, skills, and challenges should be looked at during the evaluation, not just the child’s schoolwork.
- 4 The person doing the evaluation must be trained, and must use a variety of assessment tools and strategies to gather information that should assist in deciding—
 - a) Whether the child is a child with a disability
 - b) The individualized contents of the child’s IEP, including what your child needs to be involved in and make progress in the general education curriculum and the development of individualized goals.
- 5 The school cannot use just one tool to determine if your child is a child with a disability or for determining an appropriate educational program; and they need to use valid evaluation tools.
- 6 The school cannot use tools that discriminate based on race or disability and need to give the evaluation in the child’s native language or other mode of communication and in the form most likely to result in accurate information on what the child knows and can do.
- 7 The child must be assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.
- 8 If your child transfers from one school to another during the same school year, the school staff at the last and present schools are required to coordinate with each other to ensure prompt completion of full evaluations.

The school may gather information to share with the evaluator that includes your child's progress in the general curriculum or for a preschool child, participation in appropriate activities. Sources of information may include printed tests, observations, information from parents, as well as other sources of information.

The recent impact of the pandemic and other natural disasters on our public-school system has reminded us of the importance of effective progress monitoring – whether students are learning in a classroom, at home, in their local community, or through the internet.

After the initial evaluation, REEVALUATION is always an option!

Reevaluation can be requested or occur in the following scenarios:	If your child is not making progress or if there have been changes that show that the educational or related service needs, including improved schoolwork and performance of the child;	Reevaluation can be requested by the school, the child's parent, or teacher.
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While it is important to monitor progress, a reevaluation cannot occur more frequently than once a year, unless the parent and school agree otherwise; and must occur at least once every three years, unless the parent and the school both agree that a reevaluation is unnecessary.

Keep in mind, if your child is in a school that uses a Multi-Tier System of Support (MTSS), including Response to Intervention (RTI), and you request an evaluation for special education, the school is required to act upon that request, even if your child is progressing through the tiers. In other words, they cannot delay evaluation because of these interventions. If the school does not think the student requires special education, they must follow IDEA's requirements for informing you, which could lead to a filing of a due process complaint.

If you disagree with the education evaluation regarding your child's Individualized Family Service Plan (IFSP), IEP, or special education services, YOU MAY REQUEST AN INDEPENDENT EDUCATION EVALUATION (IEE)

Once a request has been made to the local school system...

The local school system must provide a written response approving or denying a request within 30 days of the date the request was made.



If the request was approved, the written response must advise the parent of the process for arranging the evaluation at public expense.

If the request was denied, the local school system must file a due process complaint within 30 days of the date of the denial.

The legislation took effect on July 1, 2021 in Maryland, which states that you can request an IEE. (See [HB 716](#)/Page 3 Education (MSDE))

Q & A on EVALUATIONS



What if I don't think the school has followed IDEA's requirements or I am not happy with the evaluation?

You can request an Independent Education Evaluation (IEE). You do not need to tell the school which test or evaluation you disagree with, or the reason for your request.

What kinds of evaluations might the school use?

Evaluations of neurological functioning, functional behavioral assessment, adapted physical education, sensory needs, aquatics and even music therapy are just a few examples of the types of evaluations covered under the IDEA.

How is information from the evaluation used in my child's IEP?

The IEP team will review the evaluation and use the information to develop your child's individualized program. Information may go in the present levels of performance and be used to formulate goals, supports, or services. The school is not required to follow or use information in the evaluation, however, if they do not, they must provide a good explanation of why.

What kind of evidence of progress should I be looking for?

Your child's school work and progress reports are a good place to start. Using data to evaluate goal progress is important. You can also use observations in addition to the data.

The school is telling me that they are concerned we would be "over-testing" my child and we need more time to tell if Response to Intervention (RTI) is helping.

Schools cannot delay an evaluation to implement the RTI process.

If I have a private evaluation done and I pay for it, do I need to share the results with the school team?

There is nothing in IDEA that requires you to do so. If you do share, the school is required to at least consider the information and recommendations made in the evaluation.

The school is saying they will pay for the evaluation but are limiting the cost to \$1,000. Is that allowed? (See [Letter to Thorne](#))

An IEE has to meet the same standards as the school evaluation, for example, the credentials of the evaluator have to be comparable, and the requirements of IDEA must be met. Other than that, the school can't put any other conditions, limits, or deadlines in place.

The school is saying that the evaluator cannot observe the child at school.¹

OSEP states that if parents request an IEE of their child, and the evaluation requires observing the child in their school, the evaluator may need to be provided access to the placement.

The school is saying I must use 1 of these 3 evaluators. – Is that true?

A school district cannot impose requirements for the private evaluator that could deny the parents' right to the IEE.² A school district may provide a list of qualified examiners to parents, but the parents are not restricted to that list.³

¹ See [Letter to Mamas](#) 2 IDELR ¶ 10 (OSEP 2004)

² See [OSEP Letter to Petska](#), 35 IDELR 191 (OSEP 2001)

³ See [Letter to Parker](#), 41 IDELR 155 (OSEP, 2004)

Sources

- [Special Education Rights - Independent Educational Evaluations: What? How? Why? Who Pays? by Wayne Steedman, Esq. - Wrightslaw](#)
- MD House Bill 716 [2021 Regular Session - Fiscal and Policy Note for House Bill 716 \(maryland.gov\)](#)
- Understanding the Evaluation, Eligibility, and Individualized Education Program (IEP) Process in Maryland - [UnderstandingtheIEP July2014.pdf \(ppmd.org\)](#)
- Kern L., & Yell M.L.. (April 2020). [IDEA & Students with Disabilities](#). Eugene, OR: Center on PBIS, University of Oregon.

Additional Resources

[Getting Ready for the 2021-22 School Year: FAQs About Testing Children with Disabilities](#)

As children return to school, it is critical that states and districts gather information on what children with disabilities have learned and where they need more support to meet their learning goals. This FAQ addresses some common questions and provides links to useful resources.

[Questions Often Asked by Parents about Special Education Services](#)

This resource includes answers to 26 questions. To zoom in to those pertaining to evaluation, go to Questions 5 and 6.

[The School Evaluation Process: What to Expect](#)

(Also available in Spanish: [El proceso de evaluación escolar: En qué consiste](#))

From [understood.org](#), this article is well suited for parents new to the evaluation process, as is the next resource in this list.

[Understanding Evaluation Results and Next Steps](#)

(Also available in Spanish: [Entender los resultados de la evaluación y los siguientes pasos](#))

[How to Understand your Child's IEP Evaluations | Preparing for an IEP Eligibility Meeting](#)

Definitely well suited for families new to the special education process and for all who are understandably baffled by the meaning of the data! Includes a 38-minute video.