

Understanding the Special Education Process

(1999)

The list below is a basic overview of the special education process. It is not designed to show all the steps or the specific details. It shows what happens from the time a child is referred for evaluation and is identified as having a disability, through the development of an Individualized Education Program (IEP).

The process begins with someone (school staff, parents, etc.) making a referral for an initial evaluation. A general explanation of each numbered area follows the chart.

How the process works

1. Parents, school personnel, students or others may make a request for evaluation. If you request an evaluation to determine whether your child has a disability and needs special education, the school district must complete a full and individual [evaluation](#). If it refuses to conduct the evaluation, it must give you appropriate notice, and let you know your rights.

You must give permission in writing for an initial (first-time) evaluation, and for any tests that are completed as part of a [re-evaluation](#).

2. A team of qualified professionals and you will review the results of the evaluation, and determine if your child is eligible for special education services.
3. If your child is not eligible, you will be appropriately notified and the process stops. However, you have a right to disagree with the results of the evaluation or the eligibility decision.

If you disagree with the results of an evaluation, you have a right to an Independent Educational Evaluation (IEE). Someone who does not work for the school district completes the IEE. The school district must pay for the IEE or show at an impartial due process hearing (see definitions below) that its evaluation is appropriate.

4. If you and the school district agree that your child is eligible for services, you and the school staff will plan your child's Individualized Education Program (IEP), at an IEP team meeting. You are an equal member of this team. Some states may have a different name for the IEP team meeting.
5. The IEP lists any special services your child needs, including goals your child is expected to achieve in one year, and objectives or benchmarks to note progress. The team determines what services are in the IEP as well as the location of those services and modifications. At times, the IEP and placement decisions will take place at one meeting. At other times, placement may be made at a separate meeting (usually called a placement meeting).

Placement for your child must be in the Least Restrictive Environment (LRE) appropriate to your child's needs. He or she will be placed in the regular classroom to receive services unless the IEP team determines that, even with special additional aids and services, the child cannot be successful there. You are part of any group that decides what services your child will receive and where they will be provided.

6. If you disagree with the IEP and/or the proposed placement, you should first try to work out an agreement with your child's IEP team. If you still disagree, you can use your due process rights (see definitions below).
7. If you agree with the IEP and placement, your child will receive the services that are written into the IEP. You will receive reports on your child's progress at least as often as parents are given reports on their children who do not have disabilities. You can request that the IEP team meet if reports show that changes need to be made in the IEP.
8. The IEP team meets at least once per year to discuss progress and write any new goals or services into the IEP. As a parent, you can agree or disagree with the proposed changes. If you disagree, you should do so in writing.
9. If you disagree with any changes in the IEP, your child will continue to receive the services listed in the previous IEP until you and school staff reach agreement. You should discuss your concerns with the other members of the IEP team. If you continue to disagree with the IEP, there are several things you can do, including asking for additional testing or an Independent Educational Evaluation (IEE), or resolving the disagreement using due process (see below).
10. Your child will continue to receive special education services if the team agrees that the services are needed. A re-evaluation is completed at least once every three years to see if your child continues to be eligible for special education services, and what services he or she needs.

If you would like more information about special education or about your rights, you may call your [State Parent Training and Information Center](#). If you do not know their number, call PACER Center, at our national toll-free number: 1-888-248-0822. We will be happy to connect you with someone who can help you.

Due process protects the right of parents to have input into their child's educational program and to take steps to resolve disagreements. When parents and school districts disagree with one another, they may ask for an impartial hearing to resolve issues. Mediation must also be available.

Mediation is a meeting between parents and the school district with an impartial person, called a mediator, who helps both sides come to an agreement that each finds acceptable.

An impartial due process hearing is a meeting between parents and the school district where each side presents their position, and a hearing officer makes the decision about what is the appropriate educational program, based on requirements in law.

School districts must give parents a copy of special education procedural safeguards, which include the steps for due process hearings and mediation, at several stages in the special education process. This includes when their child is first referred for an evaluation and each time they are notified of an IEP meeting for their child.