

# Does My Child Need Special Education?

As a parent, you are uniquely qualified to know your child’s learning strengths and weaknesses. School professionals will utilize your knowledge in designing a special educational program for your child’s benefit.

Your child may be Eligible for Special education if your child:

- Has a physical, sensory, mental or emotional disability,
- Has a need for special education as determined by an evaluation.

The definitions of these specific disability terms come from the IDEA regulations. Note, in order to fully meet the definition (and eligibility for special education and related services) as a “child with a disability,” a child’s educational performance must be adversely affected due to the disability and show a need for services. This is considered a two prong approach to identification.

Student has a disability	Student has needs	Not eligible for Special Education
Student has no disability	Student has needs	Not eligible for Special Education and Intervention should occur
Student has a disability	Student has needs, but the disability has not adversely affected the student	Not eligible for Special Education
Student has a disability	Student has needs	Student eligible for Special Education

Your child must meet both qualifications in order to be eligible for special education. In Pennsylvania, all children eligible for special education have the right to a free appropriate public education.

NOTE: Children who have disabilities which substantially limit their participation in or access to school programs, but who do not need special education, may qualify for reasonable accommodations in the regular classroom under Section 504 of the Rehabilitation Act of 1973 and other Pennsylvania education regulations. The rules-

Called Chapter 15- that apply are different from those for students needing special education who qualify by meeting the two-part criteria listed above.

## **Indications of Physical, Sensory, Mental or Emotional Disability**

Some indications that your child may be a child with a disability in order to meet the first part of the two-part definition are:

- Exhibition of an emotional disturbance over a long period of time which affects your child's ability to learn
- Consistent problems in getting along with others
- Difficulty communication
- Lack of interest or ability in age-appropriate activities
- Resistance to change
- Difficulty seeing or hearing that interferes with the ability to communicate
- Health problems that affect educational performance

## **Need for Special Education**

Your child may need specially designed instruction that is not normally needed by other children in the general education classroom to make progress in school. This need for special education is the second part of the two-part decision to qualify a child for special education services.

This process may include:

- A review of the student's records including attendance and report cards.
- A review of the student's vision and hearing.
- An assessment of the student's functioning in the curriculum including curriculum-based and performance-based assessment for students with academic concerns.
- A systematic observation of the student's behavior in the classroom or area in which the student is displaying difficulty.

For students with academic or behavior concerns, as intervention must be developed based on the results of the screening. The student's response to the intervention is looked at closely and if screening activities have produced little or no improvement

within 60 school days, the student will formally referred for evaluation for special education.

## The Evaluation

The evaluation process gathers the information that will be used to determine if your child needs special education and, if so, the types of programs and services needed. Your child may be evaluated by a school psychologist. Other evaluations may include tests by a hearing specialist for a child with a hearing problem, or an evaluation from a doctor for a child with a health concern. The evaluation must also include input from a therapist is certain related services, such as a physical or occupational therapy, may be needed.

A child may be referred for the first evaluation in several ways:

You may ask your school to evaluate your child for special education at any time. This can be done by sending a letter to the principal of your child's school. A "Permission to Evaluate" form will be sent to you.

The school may also contact you and must ask permission to have your child evaluated. You must consent in writing to your child's evaluation. School officials cannot proceed without your written permission. If permission is not received and the school continues to find that an evaluation is necessary, they may ask for a due process hearing and get approval from an impartial hearing officer to evaluate your child. More information about the due process hearings are found in the following pages.

A reevaluation is conducted at least every three years unless your child is disabled due to intellectually disabled, in which case reevaluations are conducted at least every two years. When additional data is needed to complete a reevaluation to determine whether your child continues to be a child with a disability and needs to continue to receive special education, then the school must seek your permission to perform the additional evaluation. If the school district has made what it believes are "reasonable attempts" but failed to receive your permission, it may proceed with the reevaluation. Each school district decides what "reasonable attempts" are.

Such attempts may consist of:

- Telephone calls
- Registered letters with return receipts required
- Visits to the home or parents' place of business

In addition, if the school determines that no additional data is needed, they will notify you of this determination. All evaluations needed to determine your child's need for special education will be provided by your child's school district at no charge. Results of the evaluations will be made available for you review. You may also get evaluation from professionals outside the school system and send them to your child's school. The results of these outside evaluations will be considered in determining if you child has a disability and needs special education. If you wish for the school district to pay for these outside evaluations, you must make that request in writing. If the school district refuses, they must initiate a special education due process hearing.