

The Medical-Legal Partnership for Children | Miami Valley

WORKING TOGETHER FOR CHILDREN'S HEALTH

The MLPC is a partnership among: Advocates for Basic Legal Equality, Inc. (ABLE), Legal Aid of Western Ohio, Inc. (LAWO), Dayton Children's Hospital, Five Rivers Health Centers, and the Community Health Centers of Greater Dayton.

SPECIAL EDUCATION EVALUATIONS

What is Special Education? Special education is specifically designed instruction intended to meet the unique needs of a child with a disability. Special education is required by federal and state laws and is provided at no cost to the parent. Children are eligible for special education services from age 3 through 21.

Common Eligibility Conditions:

- » **Learning Disability:** Disorders in one or more of the basic psychological processes involved in understanding or using the spoken or written language.
- » **Emotional Disturbance:** Often chronic and intense including diagnosis such as depression, anxiety, personality disorder, aggression, and schizophrenia.
- » **Cognitive Disability:** Characterized by intellectual functioning that is significantly below average, may be exhibited by an IQ under 70.
- » **Other Health Impairment:** Includes chronic or acute health problems like a heart condition, sickle cell anemia, hemophilia, epilepsy, asthma, ADD, ADHD, etc.

Special Education Evaluation: Before a child can receive special education services, the child must be evaluated. Generally, a special education evaluation is called a multi-factored evaluation or MFE.

If a child is exhibiting signs of a disability and/or struggling in school, the parent or legal guardian can request an evaluation to determine whether the child is in need of special education. The request should be in writing and should contain: 1) a statement of request for a special education evaluation, 2) a statement of consent for the child to participate in the evaluation, and 3) a statement regarding why the parent believes the child needs an evaluation.

Deadlines for the school: The school must respond to a parental request for an evaluation within 30 days by either obtaining informed parental consent for the evaluation or providing "prior written notice" explaining why the school is refusing to initiate an evaluation and providing the parent with information regarding how to challenge the school's refusal. If parental consent is obtained, the school must invite the parent to an evaluation planning meeting to discuss the evaluation procedures and obtain parental input and relevant medical and other information and documentation.

Once parental consent is obtained, the school must complete the evaluation and hold an Evaluation Team Report meeting within 60 days. The school should invite the parent to attend the Evaluation Team Report meeting to discuss the outcome of the evaluation and include the parent in a discussion regarding whether the child meets eligibility requirements for special education services. The school must provide the parent with a copy of the evaluation within 30 days of its completion but before an Individualized Education Plan meeting (IEP). If the child is determined to have a disability, an IEP meeting must be held within 30 days of the completion of the evaluation and within 90 days of the date of parental consent.

Note: These deadlines are not affected by the involvement of Intervention Response Teams, school vacations, or summer break. Schools continue to have an obligation to meet these deadlines and process evaluation requests and IEPs in a timely manner so that services can be put in place for the children who need them.

Resources:

- » Disability Rights Ohio: disabilityrightsohio.org (800) 282-9181
- » Help Me Grow Brighter Futures: brighter-futures.org (937) 208-4769
- » Montgomery County Educational Service Center: mcesc.org (937) 225-4598



Any legal information provided in this publication is the sole responsibility of ABLE. This publication is intended only as general information and should not be relied on as specific legal advice for any individual case or circumstances. **For legal advice applicable to your individual situation, please ask your medical provider for a referral to the MLPC, contact Legal Aid Line at 1-888-534-1432, or consult with an attorney of your choice.**

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