



## **Know Your Special Education Rights: Evaluations and Second Opinions**

School districts have a duty to seek permission from parents to formally evaluate students suspected of having a learning disability. Once evaluations are completed, the district will decide if the student is eligible for (or continues to be eligible for) special education through an Individualized Education Program (IEP). **What parents are often not aware of, is that they may be entitled to a second opinion from the school district's evaluations. These are known as Independent Evaluations (IE's) and they can be funded by the school district.**

### **What are my rights to additional evaluations?**

School districts have experts who conduct evaluations, and have staff with special expertise and regular classroom interactions with the student. Therefore, it can be extremely difficult for parents to refute a school district's evaluations. To help level the playing field for parents, lawmakers allow parents that are at or below 400% of poverty to get a second opinion paid in full by the school district. The IE's will be in all subject areas the school district evaluated the student in. Note that evaluations funded by the school district belong to the school district, and are a part of the student record.

The district may choose to challenge your request for IE's. This is rarely done, however, because the district only has 5 school days to file a complaint to challenge your request. The district will have to prove to a hearing officer that its own evaluations were good enough, and that additional evaluations are not needed. It is typically not worth it for a district to go through such lengths to reject IE's, so as a result, the request is routinely granted. The district may ask for verifications of household income, however, if the student gets free or reduced price lunch, the district should not need verifications.

### **How do I make the request for Independent Evaluations?**

Requests should be made in writing to the special education team leader/team chair assigned to your child (typically listed on the front of the IEP). If you don't know the team leader, you can submit the request directly to the special education department of your child's school district. Make sure you list your child's name and date of birth in your letter, and specify the precise evaluations you want a second opinion on.

### **How long until the evaluations are complete?**

That can depend, but unfortunately, it can often take months. There is a statutory cap on how much evaluations can cost when school districts are funding them. It can be difficult to find private evaluators willing to accept the lower statutory rate, which can also contribute to a delay. If you are having trouble, ask your district for a list of private evaluators in the area for you to contact. Ask if the private evaluators are willing to accept the state rate, and find out how long its waitlist is.



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SAMPLE LETTER (You may also make the request by email)

[DATE]

Team Leader  
School District  
Address

RE: Child's Name; Date of Birth: X/X/XX

Dear XXXX:

I am writing to request school funded independent evaluations in the following areas:

-List the type of testing you're interested in (ex. Psychological Evaluation), or  
You can ask for evaluations in all areas the school district evaluated the student in

My family is below 400% of poverty, therefore the school district must fully fund the evaluations. Thank you for your attention to this request.

Sincerely,

XXXX