

Background:

To get special services from a school, your child must first be evaluated. The evaluation decides if he is eligible under the Individuals with Disabilities Education Act (IDEA). A student can get services if his difficulties fall in one of the disability categories in IDEA **and** he needs special education to make progress in school. If the evaluation finds that your child is not eligible and you disagree, you'll need to speak up. Make sure the school explains in writing why it has found your child ineligible.

Script for what to say to the Director of Special Services:

I disagree with the result of the evaluation. I believe my child has a disability and needs special education services.

As you know, my child, [child's name], is in the [____] grade at [name of school]. [Teacher's name] is his teacher.

He struggles with [describe your child's area of difficulty]. He has [describe his learning or attention issue, for example dyslexia or ADHD]. I believe his [issue] falls in one of the legal disability categories in IDEA. Because of his [issue], he needs special education services to learn and make progress at school. [If you had any outside evaluations, make sure the school has copies.]

Here's my understanding. The school's evaluation says my child is not eligible because [describe what the school's reasons are]. However, I disagree because [describe why you think the school's reasons are wrong].

I know I have a legal right to challenge this result. I can ask for an independent evaluation at the school's expense. I can file a due process or state complaint. But I hope we can work together to help my child. How do we move forward to get my child the services he needs?

The School May Say:

Your child doesn't have a legal disability. So he's not eligible.

Possible response:

I'd like to go through the categories in IDEA. Can we go through each one? Can you show me that his (issue) doesn't fall in one of the categories?

The School May Say:

Your child doesn't qualify for special education because he's passing all his classes.

Possible response:

IDEA regulations say a child may need special education even though he's passing. Even if he is passing, he still needs special education services to make progress. He also spends 8–10 hours a week working with tutors and getting afterschool help from teachers.

The School May Say:

Your child's issues are emotional and behavioral, not academic.

Possible response:

IDEA has a category for "emotional disturbance." It also has a category for "other health impairment," which covers ADHD. My child's emotional and behavioral challenges also have an educational impact. So my child's behavioral issues can qualify under IDEA. Can we walk through the categories to see how?