



# Procedural Safeguards: Evaluation

Families as Allies – 601-355-0915 [www.faams.org](http://www.faams.org) Text Family19 to 22828



# Today's Goals

1. Participants will be able to describe two different approaches to evaluation
2. Participants will be able to describe the general steps in the evaluation process
3. Participants will be able to describe how the TIER process is related to evaluations for special education services
4. Participants will be able to describe two steps families can take if they disagree with something that happens during the evaluation process



# Families as Allies

*We are the only statewide organization run by and for families of children with behavioral health challenges in Mississippi. We support each other and work together to make things better for our children.*

Our **vision** is that all children will have the opportunity to reach their potential and succeed, and our **mission** is that families are partners in their children's care.

Our **core values** define us: **every** child and family, excellence, partnership and accountability.

Join us: [www.faams.org](http://www.faams.org), text 228-28 family19

Like us: <https://www.facebook.com/faams.org/>

Call Us: 601-355-0915

Email Us: [Info@faams.org](mailto:Info@faams.org)

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# What Do We Believe About Families?



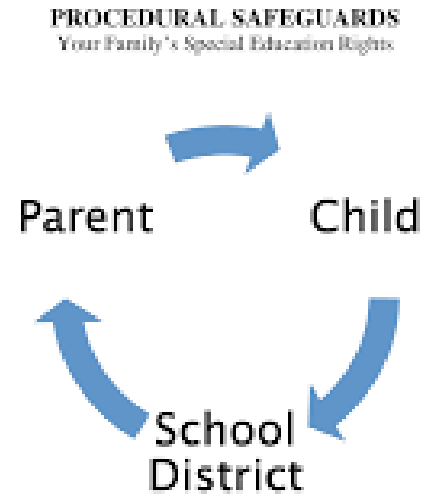
Families know their children better than anyone else does.

Families are their children's strongest advocates.

Systems should follow laws and policies about families' and children's rights.

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# Procedural Safeguards



**PROCEDURAL SAFEGUARDS**  
Your Family's Special Education Rights

Mississippi Department of Education  
Office of Special Education

Revised December 17, 2013

# Your Family's Special Education Rights

Remember the focus of the safeguards is on your rights, even if some parts are hard to understand

People who share the safeguards with you may or may not be focused on your rights – that doesn't change that the safeguards are about your rights

Your rights are your rights – even if you don't understand them or even know about them

One of your most basic and consistent rights is the right to disagree with the school district, but if you do, there are specific ways to disagree explained in the safeguards





# Opening Thoughts

How do I know if my child might need an evaluation ? ***Remember – you are an expert on your child***

If you think your child might be having problems, start keeping a written record of the things that make you think that

Evaluation can also be called testing or assessment

There are different ways to get evaluations, including private evaluations that families arrange and public evaluations through the public school system

On public evaluation through the school system – Families can request them. **School districts are required by law to pursue them if if they suspect a child might have a disability that affects their learning**



# Private vs. Public Evaluations

## Private

- ❑ Usually arranged by family or could be related to Medicaid or Disability
- ❑ Typically conducted by psychologist or psychiatrist
- ❑ Information can be tailored to specific questions families have
- ❑ Can result in a diagnosis that can guide mental health support
- ❑ DOES NOT HAVE TO BE USED BY THE SCHOOL DISTRICT, but may be considered

## Public

- ❑ Occurs through Child Find (the law) or family request
- ❑ Conducted by the school district's Multidisciplinary Evaluation Team (MET)
- ❑ Individual discovery process to determine if the child meets the criteria for special education services
- ❑ Can result in a special education ruling that guides the formation of an Individualized Education Program
- ❑ Must be used by the school district and includes ways families rights' are protected



# So... What About This Situation?



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# What Does Ruling Mean?



Autism

Blindness

Deafness

Emotional Disturbance

Hearing Impairment

Intellectually Disabled

Multiple Disabilities

Orthopedic Impairment

Other Health Impaired

Specific Learning Disability

Speech or Language Impairment

Traumatic Brain Injury

Visual Impairment

From: [Individuals with Disabilities Education Act](#)

# What If My Child Gets a Ruling that I Don't Think Fits?

Their disability must be accommodated regardless



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# What Is Evaluation ?

“An evaluation is an individualized discovery process to determine if a child meets the eligibility criteria for special education and related services under the Individuals with Disabilities Education Act of 2004 (IDEA) and, if so, what are the child’s educational programming needs. Evaluations are conducted by a Multidisciplinary Evaluation Team (MET) consisting of multiple methods including reviewing existing records, interviewing important informants, observing the child in his/her environmental settings, and administering formal and informal assessments and measures. The results of an evaluation are summarized in a psychoeducational report used by the MET to determine eligibility for special education and related services”. [PROCEDURES FOR STATE BOARD POLICY 74.19](#), page 10

# Who Can Request an Evaluation

A request for an evaluation may be made by any source who: 1. Has knowledge of or interest in a child ages birth through twenty-one (21) years, including but not limited to parents, teachers, and Teacher Support Team (TST) members, or representatives of other public agencies; and 2. Suspects that child may have a disability. [PROCEDURES FOR STATE BOARD POLICY](#)

[74.19](#), page 7



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# Written Request Example

(From [Families as Allies website](#))



Dear Child Find Coordinator:

My name is (your name) and my child, (child's name), is in the in (\_\_) grade in (name of teacher)'s class at (name of school).

I am writing to formally request that (child's name) be evaluated for special education services under the Child Find obligations of the Individuals with Disabilities Education Act (IDEA).

As you may know, my child has been struggling with (provide detailed information about your concerns, using supporting evidence such as test scores, teacher communications, work samples, etc.).

I have spoken with (name of teacher) about these concerns and the following things have been tried to help. (Describe any interventions that were tried, including response to intervention [RTI] and informal accommodations in the classroom). I believe it is critical for (child's name) to be evaluated.

I understand that you will send me an evaluation plan explaining the tests that may be given to my child. I would also appreciate any other information you have regarding the evaluation process. If you need more information, please contact me at (your phone number).

# But What If My Child Is Already in the Tier Process?

***“All public agencies including the MDE have an obligation to ensure timely evaluations of children suspected of having a disability whether or not the child has participated in the Three Tier instructional model prior to an evaluation. Therefore, if a child suspected of having a disability is identified through Child Find procedures or a request for evaluation is made by a parent, guardian, representative of a public agency or others acting on behalf of a child, the public agency may not delay or deny the evaluation on the basis that the child has not participated in an RTI process as stated in the OSEP 11-07 Letter from Musgrove (located online at <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/osep11-07rtimemo.pdf>).”***





## Then What?

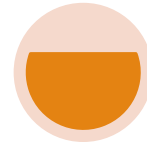
“When a written or verbal request for an initial evaluation is made, a Multidisciplinary Evaluation Team (MET) composed of the parent, the child (if appropriate), and qualified professionals must be convened within fourteen (14) calendar days to review the request including all pertinent existing documentation. The public agency must invite the parent to participate; however, if the parent is unable to attend, the MET team must proceed.”

[PROCEDURES FOR STATE BOARD POLICY 74.19](#), page 12

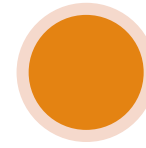




Request for  
Evaluation  
14 days



MET Team meets  
7 days



Decision  
Yes - Procedural  
Safeguards, Prior  
Written Notice,  
Informed Consent

No – Procedural  
Safeguards, Prior  
Written Notice

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# What If MET Decides to Not Evaluate and You Disagree?

Remember – You have the right to disagree

Remember – You are an expert on your child, you do not have to be an expert on evaluation.

If they say they do not have enough data , then use yours and any other related data

Consider filing a formal state complaint or pursuing due process





**Instructions for How to Complete a Formal State Complaint**

This set form to complete this form are contained in each section. Use this sheet as a **GUIDE ONLY!** Complete your complaint on separate sheets following these instructions.

Mississippi Department of Education  
Office of Special Education

**FORMAL STATE COMPLAINT**

**SECTION PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT AND REGULATIONS**

A complaint procedure cannot be used when a school's action violated a requirement (PART B) of the Individuals with Disabilities Education Act (IDEA) or State Policies Regarding Children with Disabilities (State Board Policy 107B).

Please fill out the front and back of this form as completely as possible. Use additional sheets of paper if more space is needed.

Student's Name \_\_\_\_\_ Student's Age or \_\_\_\_\_  
 Student's Address \_\_\_\_\_ Date of Birth \_\_\_\_\_  
 School District/Agency \_\_\_\_\_ Date Completed \_\_\_\_\_

Include necessary contact information (phone and fax are important.)

**Question #1.1. Write down everything you know about what the school is doing wrong and include dates. Please include "NOA."**

**Question #1.2. Write down the "incident" or event that you are complaining about completed. Please use your best effort to include what happened on 3 separate occasions with dates.**

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**What regulations do you believe the school district/agency has violated?**

**Question #1.3. Write down what the school is doing wrong. These are the "What's wrong?" (Example: The school district is denying my child a Free and Appropriate Public Education. An violation of the Individuals with Disabilities Education Act and Mississippi State Board Policy 107B. The school is denying my child's right to a Free and Appropriate Public Education. An violation of the IDEA, 20 U.S.C. 1412(a)(1)(A)(i), 34 CFR 101.30(a)(1), and Mississippi State Board Policy 107B.**

\_\_\_\_\_  
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 \_\_\_\_\_  
 \_\_\_\_\_

Please indicate your efforts to work out the situation:  
 Yes  No

8-01-100-09

# What If MET Recommends Evaluation and You Disagree with the Evaluation Results?

Remember – You have the right to disagree

Remember – You are an expert on your child, you do not have to be an expert on evaluation.

Consider requesting an [Independent Education Evaluation](#)

The District can pursue Due Process in response to your request



# From your Family's Special Education Rights

“You have the right to obtain an independent educational evaluation (IEE) of your child if you disagree with the evaluation of your child that was obtained by your school district.

If you request an IEE, the school district must provide you with information about where you may obtain an IEE and about the school district's criteria that apply to IEEs.

*Independent educational evaluation* means an evaluation conducted by a qualified examiner who is not employed by the school district responsible for the education of your child.

*Public expense* means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to you”

Page 4 of the [Procedural Safeguards](#)



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# More Information on Your Rights During Evaluation Process

## Evaluation Rights: What You Need to Know



From Understood





# How Did We Do?

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# Thank You for Joining Us Today



Email contact information: [info@faams.org](mailto:info@faams.org)

Our website: [www.faams.org](http://www.faams.org)

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Text family19 to 228 -28 to join our email list