

Basics of Special Education

The law protects every child's right to an education. It can be a long and complex process. This sheet gives you the **basic** information about special education and only applies to public schools. Private schools do not accept federal money and are not held to the same standards.

Schools will assess students to see if they have a "disability" by seeing if they have "educational impairments" that effect how they perform at school. This means the school will assess the child for problems with a certain subject or overall learning problems. These may include medical, academic, developmental, and emotional problems.

If the school finds a child qualifies for services, they may offer an individualized education plan (IEP). An IEP is like a contract between parents and schools. It states the student's needs, steps school will take to meet those needs, and includes goals for students to work towards.

Getting Started

The first step to seeking help is to submit a referral to the school **in writing**. A referral is a letter asking the school to assess the child to see if he/she qualifies to receive help at school. Anyone can write a referral letter. This includes parents, teachers, or medical providers. Giving the school a written letter is the first step to start the legal process. See the back of this document for a sample letter.

Schools can do their own assessment. You should share health records with the school as these will help with this process.

Timeline

Once a school gets a referral, they have 15 business days to respond. They may respond by asking for consent to assess your child. They could also say no assessment is needed and state the school's reason for this. Asking for an assessment does **not** ensure school help. The school will have 60 days to assess your child after you give your consent.

If the child meets the standards for an IEP, the team has 30 calendar days to create and begin the plan. IEPs are reviewed every year, and students are re-assessed every 3 years.

Appeals

The school should tell you of the appeal process. If not, you can ask what the appeal process is.

Other Help

If you need an advocate for your child, you can find one for little to no cost. Agencies include:

- FACETS: **877-374-4677** or wifacets.org
- WSPEI: **877-844-4925** or wspeil.org

If there are legal issues involved with the school, Disability Rights Wisconsin (disabilityrights.org) can help for little or no cost.

Note

- Students do not need testing outside of the school.
- A doctor's note or diagnosis does **not** ensure an IEP.
- Doctors cannot "prescribe" an IEP.
- Schools do **not** diagnose learning disorders, ADHD, or autism. They **do** figure out if the child meets the standards for school help.

Sample Letter

Date

Name of principal

Name of school

School address

Re: Request and Parental Consent for a Special Education Evaluation for:

Child's name

Child's date of birth

Child's grade

Dear "principal's name":

I request the school district assess my child for special education eligibility and services. I am concerned about my child's progress in school (list which areas).

(Address all your concerns, and how your child's problems effect how he/she performs in school).

Kindly provide me with a consent to evaluate form.

If you have any question, please feel free to call or email. Thank you for your time.

Sincerely,

Parent name

Parent email

Parent phone number

Copy to:

Director of special education

Vice principal

Classroom teacher

School psychologist

Your health care team may have given you this information as part of your care. If so, please use it and call if you have any questions. If this information was not given to you as part of your care, please check with your doctor. This is not medical advice. This is not to be used for diagnosis or treatment of any medical condition. Because each person's health needs are different, you should talk with your doctor or others on your health care team when using this information. If you have an emergency, please call 911. Copyright © 12/2019 University of Wisconsin Hospitals and Clinics Authority. All rights reserved. Produced by the Department of Nursing HF#8122.