

# Is your child having trouble in school?

- Failing?
- **OR** having problems obeying the rules?
- **OR** having trouble seeing, hearing, speaking or moving?
- **OR** struggling with homework?
- **OR** not keeping up with other kids the same age?
- **OR** having serious trouble getting along with others?



## Here's what to do

Ask to have your child tested for special education. Special education is extra help for your child. It doesn't always mean separate classes or schools. Your child may stay in the same class and get more help there. Some schools call special education "Exceptional Education". It is the same thing.



A child must be tested to see if they need special education. You can ask to have your child tested. This is called **referral**. Your child's teacher or your doctor can also ask for testing. But only you can OK testing. The school pays for testing.

You have the right to have your child tested for special education. It is best to ask for the testing in writing. You can use the letter with this paper. **Keep a copy of the letter.**

The testing shows if your child has a disability. The testing is called an **assessment** or **evaluation**. The school pays for the tests.

**The school cannot test your child unless you give the school an OK.** This is true no matter who asks to have your child tested. The school calls your OK **parental consent**. You also have the right to refuse testing.

You give an OK for testing by signing a paper. The paper says what you have agreed to let the school do. It says if your child's records will be given to anyone else. It says who will get the records. Do you have to give an OK? No. What if you change your mind later? You can take your OK back.

What if you don't give your OK? Then the school can't test your child for special education.

### If you ask to have your child tested, how long does it take?

Tennessee law says testing must be done in **40 school days**. School days only count days when school is open. It **doesn't** count weekends, holidays or the summer.



IDEA is the special education law. It says the school can't take longer than **60 calendar days** to test your child. Calendar days count every day on the calendar, even weekends and holidays.

### What if the school takes longer than 40 school days or 60 calendar days?

Send the school a letter. In the letter ask why the testing hasn't been done. Tell them when you first asked for testing.

### Is it ever OK for the school to take longer?

Yes, **IF** you don't get your child to school for the tests. Or **IF** you move to a different school district. If you move, you will need to ask the new school to do testing.

Make sure your child is at school for the testing. If your child keeps missing it, the school doesn't have to do the testing.

### What happens after I give my OK?

After you give your OK, a Team will decide what tests need to be done. Most schools call this the Assessment Team or Evaluation Team. **You are an important part of the Assessment Team.** You have the right to be on the Team. You know more about your child than anyone else does.



The Team decides what tests to give your child. The Team may meet to decide what tests to give. **OR** they may use the phone or e-mail.

The Team may give you a checklist to fill out. This helps them know what your child has trouble with. They may ask for a letter from your child's doctor. This tells them if the doctor knows of any problems.

Has your child been tested somewhere else? Tell the Team. If they have enough information, they may decide no more tests are needed. The school must tell you in writing what tests will be done. You must give a written OK for those tests. Don't know what the tests are for? Ask what the tests will find out. **It is the Team's job to explain the testing to you.**

### Does your child have trouble speaking English?

Then the tests **must** be given in the language you speak at home. A child can't be put in special education because of trouble speaking English. Does your child need to be tested in the language you speak at home? Then tell the rest of the Team.

Sometimes schools give tests to all students. Does the school have to get your OK first? No, not if the same test is given to all students the same age or grade.

After the testing, the Assessment Team meets again. They look at what the tests show. The school must explain to you what the tests show. They must use easy to understand words.

**Do you think the tests are wrong?** Then you can ask the school to re-test your child. You can ask to have testing done by someone who doesn't work for the school. This is called an **independent educational evaluation**.

You have the right to have **the school pay** for the independent test. But, you can only ask for this if you disagree with the school's tests. And, the school only has to pay for **1** independent test each time you disagree. What if you want more independent tests? Then you must pay for them.



Do you want the school to pay for an independent test? Ask in writing.

What happens when you ask for an independent test? The school has 2 choices:

1. It can pay for the test. **OR**
2. It can ask for a hearing to prove no more tests are needed.

Do you want to get the independent tests done yourself? There are rules about who can do the tests even if you pay for it. Ask the school for a list of the rules for people who do testing. The rules say what kind of degree and training the tester must have.

The school may also give you a list of people who can do testing. That does not mean they will agree with the school. You **don't** have to use the school's list of testers. But you **do** have to follow the rules about the tester's degree and training.

If there is a hearing, it can be by phone or in person. You get a chance to say why you want independent tests. You will need to say why you disagree with the school's tests. Are they wrong about what your child can do? Are they wrong about what your child can't do? Does your child's doctor say the tests are wrong?

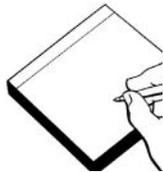
The school gets a chance to say why it thinks no more tests are needed. Someone who doesn't work for the school will decide if testing will be done.

If you get independent tests, the Assessment Team **must** look at what the tests show. This is true no matter who pays for the test.



### What if you disagree with what the independent test shows?

You have the right to put a note in your child's file. The note should say that you disagree and explain why. The note has to stay in your child's file. It stays there as long as the paper you disagree with is in the file.



The Assessment Team of school people and you decide if your child can get special education. This step is called **eligibility**. Your child can only get special education if **all 3** of these things are true:

1. Your child must have a disability. It must be one of the disabilities listed in the IDEA law.

**AND**

2. Because of the disability, your child must need special education in order to learn.

**AND**

3. You must give a written OK for your child to get special education for the first time. You



decide if your child gets special education or not.

There will be a meeting to talk about what the tests showed. You are an important part of the group.

**What if the Assessment Team says your child can get special education?** Then the Team will write an IEP (Individualized Education Program) for your child. The IEP says what help your child will get. Tennessee law says your child must start getting special education within 40 school days. The 40 days start when you give your OK for testing.

**What if the Assessment Team decides your child can't get special education?** You can ask for an independent test. See page 5 of this brochure. Also ask if your child can get help from the 504 law. What if your child can't get 504 help? Ask what else the school will do to help your child learn. If your child is having trouble learning, the school still has to help.

**What if the school won't help your child?** One of the places below may help you. Or connect you with someone who can help you.

- In Metro Nashville Public Schools? Call **The Arc of Davidson County - 615-321-5699, ext. 35**. They may be able to help in other counties.
- **Legal Aid Society - 1-800-238-1443**. They help in some counties.
- **Nashville Prevention Partnership - 615-297-7635**
- Metropolitan Nashville Public Defender's Office, Juvenile Division, **The Kids' Rights Program - 615-880-3710**

### Ask for our other brochures:

- Who can get special education?
- What is an IEP?
- Writing an IEP
- Does your child get in trouble at school?

- If you and the school disagree
- Can't get special education? A 504 Plan may help
- Your rights as the parent of a child in special education

**NOTE:** This information cannot take the place of advice from a lawyer. Each case is different and needs individual legal advice.

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## I want to have my child tested for special education

Today's date is: \_\_\_\_\_ My child's date of birth is: \_\_\_\_\_

My child's first, last and middle name is: \_\_\_\_\_

My child's school is: \_\_\_\_\_

My name is: \_\_\_\_\_

My address is \_\_\_\_\_

My City, State, Zip code: \_\_\_\_\_

My phone number is: \_\_\_\_\_

This is my OK for the school to test my child for special education. I know the testing must be done within 40 school days. The 40 days start the day you get this signed paper. IDEA law says testing can't take longer than 60 calendar days.

If you need me to sign any other papers, please send them to me right away. Thank you.

I am signing this letter to show you have my OK to test my child for special education.

Parent sign here: **X** \_\_\_\_\_

**After you sign this paper, give it to your child's school principal or teacher.  
Keep a copy!**