



I Have Concerns About the Results of My Child's Special Education Evaluation: What Can I Do?

In most cases, parents and school staff agree that a child's evaluation report accurately reflects the child's strengths and needs, as well as their eligibility for special education services (see PACER's handout, "[Receiving the Results of Your Child's Special Education Evaluation](#)"). If you do not agree with the evaluation report, there are options to resolve your disagreement.

The first step may be asking more questions. You could:

- Ask questions to be sure you understand what a statement or test result really means; once you understand fully, you may see things differently
- Ask if something is an opinion or a fact; if it is an opinion, ask that it be labeled as such
- Ask what other test could be given to verify the results if a test result seems too high or too low
- Ask what assessment could be given if an area of need seems to be missing
- Ask that your concerns be added to the report
- Ask that information you bring from other evaluators be considered for addition to the report*
- Ask if something can be reworded so that you can agree with the statement

After using these questions, your disagreement may be resolved and the special education process can move forward.

If your disagreement is not resolved, PACER advises that you put your disagreement in writing and ask the school district for a response through a Prior Written Notice (see PACER's handout, "[Know Your Parental Rights: The Meaning and Importance of Prior Written Notice and Parent Consent](#)"). The Notice will come with a form titled "Parental Consent/Objection Model Form" so you can agree or disagree with the school's response.

When you disagree with a proposal or refusal in the Prior Written Notice, the school district must tell you about the various methods of resolving disagreements including conciliation, mediation, and other procedures. There is no required order for which method you should try first.

One option is a conciliation conference. You may request a conciliation conference at no cost to you. This is an opportunity to meet with school district staff to resolve the disagreement. This conference must be held within ten calendar days from the date you requested the conference. All discussion at this meeting will be confidential and not admissible in a due process hearing. The memorandum is admissible as evidence in any subsequent proceeding. Within five days of the last conciliation conference (you and the school district may meet more than once), the school district must provide you with a memorandum that describes the final proposal.

Another way to resolve disagreements is through special education mediation. Either parents or school district staff may request mediation, but both parties must agree to participate. The mediation is led by a trained mediator at no cost to you. The goal is to resolve disagreements. Agreements are then written into a mediation agreement document.

*The results of other evaluations "must be considered" by the school and, "if it meets agency criteria," be considered in "any decision made with respect to the provision of FAPE (free, appropriate public education) to the child"; Federal Rule 300.502 (c)(1)

Another option is an independent educational evaluation. If you disagree with the results of an evaluation, you have the right to request an independent educational evaluation (IEE) at school district expense. If the school agrees to the request, the IEE is conducted by qualified professionals not employed by the school. The school district must provide you with a list of possible professionals (you may also suggest someone) and provide the evaluation. When the school arranges for the provision of an IEE, it must be accomplished under the same criteria that the school district uses for its evaluations. The school may ask you why you object to the school evaluation, but they may not unreasonably delay an IEE. When the IEE is complete, ask for a written report. Be sure that any recommendations for services or specific kinds of programs are in writing. The school must consider the results of the IEE when determining eligibility for special education services or developing your child's IEP.

If the school denies a request for an IEE at public expense, the district may not simply say, "No." They must initiate a due process hearing to show that their evaluation was appropriate. There is usually a cost for parents using this procedure because attorneys are typically involved. If the result of the hearing is that the school's evaluation is appropriate, you still have the right to obtain an IEE at your own expense. The school must also consider the results of an IEE done at your own expense when determining eligibility for special education services or developing your child's IEP.

PACER Center has more information about all of Minnesota's due process options at <https://www.PACER.org/parent/php/PHP-a25.pdf>.

For more information about special education evaluation, contact your school district's director of special education, a PACER parent advocate at (952) 838-9000 or PACER.org, or the Minnesota Department of Education at <http://education.state.mn.us/MDE/index.html>.