



Dos, don'ts to respond when parents present independent evaluation suggesting SLD eligibility

Parents present a team with an assessment by a private evaluator and assume based on the results that their child will be found eligible under the IDEA category of specific learning disability.

The team reviews its existing records but doesn't conduct its own specific learning disability assessments before determining the student is ineligible.

Making a move like this could result in an IDEA violation. Special education directors should ensure teams evaluate a child in all areas of suspected disability if parents present them with a private evaluation. [20 USC 1414 \(b\)\(3\)\(B\)](#).

"Having an assessment plan is very important," said Anne McGinnis, a school attorney at Harris Beach PLLC in Pittsford, N.Y. "When [a district] gets a private evaluation that parents obtain, if there are any needs that come up in that evaluation, those are areas the district should assess in, in addition to any other areas of need that maybe weren't in the independent evaluation. If they fail to gather their own information in those areas, it makes it really hard to defend a decision to not adopt any of the recommendations in that private evaluation. They wouldn't have their own data to say, 'Well, actually, what we're seeing is different, and here's how we would interpret that differently from how it was interpreted in that private evaluation.'"

Have teams follow these tips:

✓ **Do clarify concerns of parents.** The independent evaluation may have covered everything from the student's cognitive ability to his social-emotional skills, McGinnis said. Staff members may not have to put the student through more cognitive testing if they expect it to yield the same result and the parents are not concerned about that result. But the team should further explore the student's literacy skills because the parents and the private evaluation have raised them as an area of concern. "There is no relying on the independent evaluation," she said. "The evaluation the parents submit doesn't relieve the district of the obligation to evaluate in all areas of suspected need. There is still always that obligation."

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X Don't just rely on tiered intervention data. Recognize that data collected during the delivery of tiered interventions within a response to intervention framework or multitiered system of supports are not equivalent to evaluative data, McGinnis said. "[Teams] still have to conduct an evaluation in addition to reviewing all the RTI information they collect," she said. It may depend on state requirements for the identification of SLD, but teams should incorporate tiered intervention data into the report.

✓ **Do conduct observations, interviews.** Aside from standardized testing, the team should gather data based on classroom observations and interviews of teachers, parents, and the student, when possible, McGinnis said. "Talking to them about their needs and getting their input is important," she said. Also, review the student's grades and work samples. And ask teachers, parents, and the student to fill out rating scales if social-emotional issues may be linked to his literacy issues. "The law requires us to gather information from a variety of sources," she said. [20 USC 1414](#) (b)(2)(A). "The IEP team should be somehow facilitating how all that information is gathered together to help make decisions about whether the student has a specific learning disability and, if so, what types of supports they need on their IEP."

X Don't make assumptions. Recognize that the independent evaluation may not have delved into every possible aspect of SLDs, McGinnis said. The team should ensure the district's evaluation doesn't miss anything that could come up later. For example, she said, an independent evaluation may say that a student has ADHD, but only tested in the area of impulsivity. The district should also explore whether the student has needs regarding inattention and executive functioning. "There are so many skills that fall under that," she said. "The student may have some of those skills and not others, but you still have to assess in all areas of ADHD."

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