

10 steps to take if your child is denied services



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Your child was evaluated, and the school denied ~~special education~~ services. The decision may be upsetting. But now it's time to look forward. How can you get the help your child needs? What are your options? Here are 10 steps you can take.

Understand the school's reasons.

If the school denies services to your child, it must explain its decision in writing. The school should provide you with a copy of the evaluation report at no cost. The school must also give you information on how to challenge its decision.

Carefully read the school's explanation. If you don't understand the school's reasons, you have the legal right to an explanation. This can be as simple as a phone call to the school. Or for a more in-depth explanation, request an in-person meeting with school personnel.

Contact a Parent Training and Information Center (PTI).

IDEA requires that each state have a Parent Training and Information Center (PTI). Its purpose is to give parents the skills and information they need to work with schools that provide special education services. The center may have a library, support groups and other resources. The center's staff may be able to answer specific questions about your state's special education rules.

Talk to an education advocate.

An education advocate helps parents navigate the school system. The evaluation process for children who have learning and thinking differences is complicated. It can also vary from school to school. An advocate can help you understand your options and even help you negotiate a solution with the school. Advocates are generally paid, but some provide free services to low-income families.

Consider a 504 plan.

If your child isn't eligible for services under IDEA, check whether support is available under Section 504 of the Rehabilitation Act. A 504 plan can help your child manage learning and thinking differences with accommodations, such as extra time on tests or assistive technology. Sometimes, the school may actually suggest a 504 plan.

Ask about extra help for your child.

The school may have programs for struggling students who don't qualify for an IEP or a 504 plan. These programs can include one-on-one tutoring, peer mentoring and special help, such as a reading specialist who helps a child with phonics. Be sure to ask what extra help your school offers students who are struggling. (Children with an IEP or a 504 plan also can be eligible for tutoring and mentoring help.)

Get help outside of school.

These days, many businesses and other groups provide out-of-school programs for children who are struggling in school. Look up local learning centers in your area. Ask other parents about their experiences. Consider whether it makes sense to use a personal tutor for your child. In most cases, you have to pay for these services.

Explore an independent educational evaluation (IEE).

If you disagree with the school's evaluation, you may want to explore this option. An IEE is conducted by an outside professional — someone not employed by the school. This can be useful if you want to challenge the school's denial of services.

Generally, parents must pay for an IEE. Parents can request that the school cover the cost, but the school may not agree. If the school's evaluation was flawed or incomplete, a due process hearing can result in the school being required to pay.

Ask for mediation.

One way to try to get the school to change its decision is to ask for mediation. A mediator is a neutral professional who works with parents and the school to find a solution. The mediator will usually meet with the parents and the school at the school offices and work to bring the two sides to an agreement.

Consider filing a due process complaint.

Another way to challenge the school's decision is through a due process complaint and hearing. This is a semi-formal proceeding where you and the school present evidence to an impartial hearing officer who decides if your child is eligible for services. A related option is a state complaint. This would be in the form of a letter to the agency in charge of education in your state.

Both due process and state complaints are serious and complicated legal processes. You may want to discuss these options with a lawyer first. Learn more about other ways to resolve disputes with your child's school.

Plan for a new evaluation.

Whether you've tried steps 1–9 or have gone a different route, you may want to start creating a paper trail for your child's next evaluation. With more time and evidence, the school may agree your child needs special education and related services. Prepare now. Save tests and papers that show your child's difficulties. Save emails between you and teachers that document your child's struggles. Next school year, you may be in a better position to request a new evaluation.