

Qualifying for Special Education Services

If your child is having a difficult time at school, a special education evaluation can help you and the school understand their strengths and needs. The evaluation will help determine whether a child qualifies for special education and what supports they need. A medical diagnosis alone does not mean your child qualifies for an Individualized Education Program (IEP).

Three questions to be answered for IEP eligibility

Your child must meet all three requirements to qualify for an IEP.

- **Does my child have a qualifying disability?** The team checks whether your child meets the rules for a disability category under the Individuals with Disabilities Education Act (IDEA). A diagnosis may help the team, but it does not decide eligibility by itself.
- **Does the disability affect my child at school?** The team looks beyond grades. A disability may affect learning, communication, behavior, attention, social skills, or other parts of the school day.
- **Does my child need special education?** The team decides if your child needs teaching adapted to their individual needs, called specially designed instruction. This might include a different way to learn a skill, smaller steps, or more direct teaching.

How is eligibility decided?

You and qualified school staff review the evaluation results together to decide whether your child qualifies. The team considers your input, classroom observations, assessment results, and other information about your child.



How do I get started?

- **Ask for an evaluation.** Parents and schools can both request an initial evaluation. If you have concerns for your child's learning or development, ask the school for an evaluation. You can make the request in writing and explain what you are seeing at home and school.
- **Explain what you are seeing.** Share examples of skills your child finds hard, supports that have been tried, and reports you want the team to consider. Parents and schools can both request an initial evaluation.
- **Continue classroom supports.** Your child can receive classroom supports while the evaluation takes place. These supports should not delay an evaluation when a disability is suspected.
- **Give consent and share concerns.** After receiving a request for an evaluation, and the school accepts it, they will ask for your written consent before evaluating your child. The evaluation should look at every area where a disability is suspected, such as learning, communication, behavior, health, or motor skills, depending on your child's needs.
- **Prepare for the meeting.** Ask for the evaluation reports ahead of time. At the meeting, ask what each result means for your child's school day. After the decision, the school must give you the evaluation report and written eligibility decision at no cost. Keep them with your child's records.

If the school says no to an evaluation, what can I do?

Ask for the school's decision and reasons in writing. This is called prior written notice. You can share more information about your concerns and ask what other supports are available.

What if my child does qualify for special education services?

You and the school team develop an IEP based on your child's needs. It may include goals, special education, related services, accommodations, and other supports. The school must get your written consent before special education services begin for the first time. The team reviews the IEP at least once a year and reevaluates your child at least every three years, unless you and the school agree it is not needed.

What if my child does not qualify for special education services?

Ask what other help is available. Your child may receive support in general education or may qualify for a Section 504 Plan. If you disagree with the school's evaluation, you may have the right to request an independent educational evaluation. Ask for your procedural safeguards to learn about your options.

Questions to Ask

- Were all areas of concern evaluated?
- What do the results show about my child's strengths and needs?
- How is my child's disability affecting them at school?
- When will the evaluation be completed, and when will we meet to discuss the results?
- If my child does not qualify, which requirement was not met?

Parent Tips

- **Know your rights.** You are an equal member of the team.
- **Be an active team member.** Share what you see at home and listen to what staff see at school.
- **Ask questions.** When something is unclear or if you see things differently, explain your concerns and ask the team to look at the information together.
- **Watch the companion session.** This brief is part of the *IEP Journey Learning Series* from South Dakota Parent Connection which can be found at <https://bit.ly/4kLhSg9>.
- **Learn more.** South Dakota Parent Connection has created a guide, *Understanding School Testing and Test Scores*, found at <https://bit.ly/3Xvn1O6>.

South Dakota Parent Connection is Here to Help!

We offer free support, information, and resources to families across South Dakota.



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