

Areas of Suspected Disability: The Starting Place for a Special Education Evaluation

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My son's Middle School Principal used to say, "As you climb the ladder, make sure it is leaning against the right building." There are some lessons in this expression for special education evaluations. I would say, "As you start a special education evaluation, make sure you are evaluating all areas of suspected disability." After all, it is hard to convince someone that you have all the right answers if they believe that you have not asked all the right questions. In the context of a special education evaluation, asking the right questions has at least three components:

- (1) make sure you are starting from -- and staying with -- the definitions of the 13 categories (12 really, plus "multi") of handicapping conditions;
- (2) make sure that parents know what categorical "suspicions" are your starting points; and
- (3) make sure that parents have an opportunity to give you input on whether those starting points are the right ones.

In some situations, a fourth component also may be important:

- (4) make sure you have a conscious way of taking into account medical information and DSM- IV diagnoses, while ultimately dealing with them in the context of the 13 categories of disability under the IDEA.

If information that a school district considers to be "medical" information is necessary in order to evaluate the child with regard to particular IDEA disabilities, then it is the district's responsibility to ensure that it promptly gets that information without imposing costs on an unwilling parent. Simply referring a parent to their own physician, or informing the parent of another public agency's free evaluation service, is not enough if the district does not promptly get the information it needs in order to explore all suspected disabilities. Thus, thinking of some information as medical, or as available through somebody else, does not place it beyond the scope of the district's duty to evaluate.

This can be tricky, in part because it means balancing two things. One is that it is the district's job -- not the parent's responsibility -- to figure out what the "suspected disabilities" are. The other is that if the parent has a suspicion, theory or a diagnosis, it would behoove a school district to understand and absorb the parent's "suspicions" early in the process. Dealing with them later, in a hearing after the evaluation report has been completed, can be costly.

In many cases, school districts need not fuss over the suspected categories in detail. In many cases, it will be obvious that what is on everyone's mind is a specific learning disability in reading, an emotional disturbance, or a speech impairment. But in other cases, very careful communication is necessary. This careful communication can be in the form of a letter or a request for permission to evaluate. Simply writing down what concerns have been expressed and what types of assessments will be used (which you are already doing if you use the PDE forms) may not be sufficient if doing so does not address which IDEA disabilities are suspected.

A suspected disability is like a question to be answered or a hypothesis to be tested. If you don't start out with consensus

on the questions, you are likely to wind up with conflict over the adequacy of the answers. Therefore, school districts should consider adding the following to its letters and/or its requests for permission to evaluate where the "suspected disability" is not obvious to all.

The purpose of the evaluation is to understand your child's needs in relation to the following categories of disability in the special education law:

- autism
- hearing impairment, visual impairment, or a combination
- emotional disturbance
- mental retardation
- orthopedic impairment
- other health impairment involving strength, alertness, etc.
- specific learning disability in any of six areas (reading, etc.)
- speech impairments and language impairments
- traumatic brain injury

There is a special education definition for each of these. Those definitions, in Section 300.8 of the Special Education Regulations, are attached. We have placed an "x" next to the disabilities that will be actively considered in the evaluation. If the evaluation leads us to believe that we ought to actively consider any of the others beyond basic screening measures, we will do so with additional types of tests after getting consent from you. If you feel that we should be actively considering any of the above disabilities that do not have an "x" next to them, please let us know.

In many cases, going into such detail may be overkill. In other cases, however, including language like this is the best way to avoid conflicts later. Because hearing officers and judges are inclined to say (fairly or not) that you can't have an appropriate IEP without an evaluation that looked appropriately at all areas of suspected disability, the best way for a district to protect itself is to make sure that everybody is together, at the permission to evaluate stage, on the issue of what disabilities are being explored because they are "suspected."

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