

## TIP SHEET #14: REFERRING STUDENTS FOR SPECIAL EDUCATION

### **WHEN** *to refer a student for special education*

A student should be referred for special education evaluations only when his or her academic performance or behavior indicates that he or she may have a disability. Some signs that a student may need special education services include poor academic performance, long-standing behavioral difficulties, school avoidance, and a diagnosis of a medical or psychiatric condition.

Before evaluating a student for special education services, a school must try to address the problem with appropriate interventions. These interventions may include extended day programming, academic intervention services (AIS), at-risk counseling or at-risk Special Education Teacher Support Services (SETSS, or resource room), attendance improvement programs, or a behavior intervention plan. If a parent believes a child needs special education supports, however, the parent does not need to wait for pre-referral interventions, and has the right to request an evaluation immediately.

### **HOW** *to refer a student for special education evaluations*

#### **STEP 1: Identify the district in which the student attends school**

Go to the Department of Education's website (<http://schools.nyc.gov/default.htm>), and find the 'School Search' section. Click on 'Name or Location' and type in the child's address. The district of the zoned elementary school will tell you the district for the child's address, or you can call 311. Then find the Committee on Special Education (CSE) <http://schools.nyc.gov/Academics/SpecialEducation/CSE/default.htm> for that school district.

#### **STEP 2: Write a letter referring the student for special education evaluations**

See 'WHO' for important information about this letter.

#### **STEP 3: Mail or fax the letter to the School Based Support Team (SBST) and send a copy to the correct CSE Chairperson and the school Principal**

If the student is attending a charter, private, or parochial school, is placed in a residential treatment center or other facility, or is not attending school and has been discharged for a significant length of time, send the letter directly to the CSE. In either case, if you mail the letter, send it certified, return receipt requested; if you fax it, save the confirmation sheet; and if you bring the letter in person, make sure to get a date-stamped copy to prove when the school or CSE received it.

#### **STEP 4: The student's parent MUST CONSENT to special education evaluations before they can take place**

After the school or CSE receives the referral, they have 5 school days to send a letter to the parent informing the parent of the referral. The school will then contact the parent to schedule a social history interview, where the school social worker will take the child's developmental history, discuss due process rights and seek parental consent.



**STEP 5: Follow up with the school**

Call the CSE or SBST 2-3 days after sending the letter to make sure it was received and clocked in. The school has 20 calendar days from the referral to begin outreach to schedule the social history, and 60 days from the date of consent to complete the evaluations.

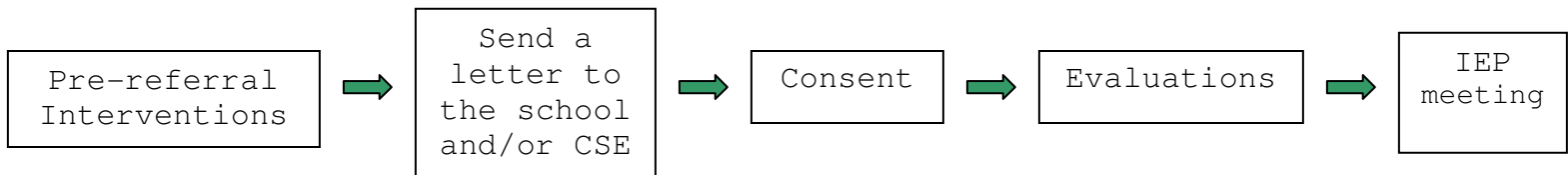
**WHO** can refer a student for special education?

ONLY the parent, the student’s principal or the Principal’s designee can refer a student for special education evaluations. Others, such as a doctor, teacher or social worker, may REQUEST a referral for special education, but cannot refer a student directly. Professionals writing letters on behalf of a parent should have the parent sign each copy whenever possible, in addition to their own signature, to make sure the referral is accepted.

‘Parent’ includes a birth or adoptive parent, surrogate parent, legal guardian or a person in parental relationship to the student, such as a relative with whom the student lives. For more information about parental consent and surrogate parents for students in foster care, please refer to the tip sheet entitled ‘Making Special Education Decisions.’

**REMEMBER:**

THE PROCESS



THE TIMELINE

From Referral to Consent

The school social worker has 20 calendar days from the date they receive a referral (or a request for a referral) to reach out to the parent to schedule a social history. Consent should be obtained within 30 calendar days.

From Consent to Evaluations

The DOE has 60 calendar days from the date they receive the parent’s consent to evaluate to complete a student’s special education evaluations.

From Consent to Placement

The DOE has 60 school days from the date they receive the parent’s consent to evaluate to complete the evaluations, hold an IEP meeting, and offer an appropriate placement to the student.

**Advocacy Tip:** If the school is not completing this process within the mandated timelines, contact the special education point person at the school’s Children First Network and/or call 311 and ask for the Special Education Call Center. Both offices should be able to work with you to ensure the school’s compliance with legal requirements.

This Tip Sheet does not constitute legal advice. It attempts to summarize existing policies or laws without stating the opinion of Advocates for Children. If you have a legal problem, please contact an attorney or advocate.