

# Fact Sheet: Special Education Evaluation

## Introduction

School districts are required to identify children who may have disabilities and evaluate them for special education eligibility. This guide provides information for parents on special education referrals, the steps of an evaluation, and options if a student is found “not eligible” for an Individualized Education Program (IEP).

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*This resource material is intended as a self-advocacy guide for people with disabilities. Nothing written here shall be understood to be legal advice. For specific legal advice, please contact an attorney.*

## Referrals

Under the Individuals with Disabilities Education Act (IDEA), schools have an obligation called “Child Find,” which requires school districts to identify and evaluate children with disabilities who may need special education and related services.

The process begins with a referral to the child’s Local Education Agency (LEA), which is the student’s school district of residence or the charter school they attend. Referrals must be in writing and can be submitted by email or letter. The referral must include the child's name and the reasons why the person believes the child is a child with a disability.

The Referral for Special Education form that your district might use is available on the Department of Public Instruction's website here:

[dpi.wi.gov/sites/default/files/imce/sped/doc/form-r-1.docx](https://dpi.wi.gov/sites/default/files/imce/sped/doc/form-r-1.docx)

Any person, including a parent, may refer the child for an initial special education evaluation. Some people are required to make these referrals:

- licensed teacher employed by the Local Education Agency
- physician
- nurse
- psychologist
- social worker
- administrator of a social agency

If the referral does not come from a parent, the person making the referral must first inform the parent that they are going to submit the referral.

### Parent Tip 1

**You can address a referral for your child to the school principal.**

No special form is needed, but it is best to make important special education-related communications in writing (which includes email) so both you and the school district have a record of the requests and correspondence.

When the Local Education Agency receives a written referral for an initial special education evaluation, the Local Education Agency must appoint an Individualized Education Program team, which includes the student's parents, to plan the special education evaluation.

Learn more about referrals here:

[dpi.wi.gov/sped/information-update-bulletin-2101#Referral](https://dpi.wi.gov/sped/information-update-bulletin-2101#Referral)

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## Evaluations

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A special education evaluation will help the Local Education Agency and parents to determine if a student has a disability as defined under the Individuals with Disabilities Education Act and to identify any disability-related educational needs they may have. It's important to note that the special education evaluation and team cannot provide a medical diagnosis to the child. An Individualized Education Program team may determine that the student is a student with a disability if the student meets criteria for at least one of the 12 disability categories outlined in the Individuals with Disabilities Education Act.

### Parent Tip 2

It's important to note that a student can have a medical diagnosis of disability and still not meet criteria for a disability category under the Individuals with Disabilities Education Act. Learn more about these disability categories in Section C of this document on Page 6.

For a student to qualify for special education and services under an Individualized Education Program, the student must meet both of the following:

- 1) The student meets the criteria for one or more of the disability categories; and
- 2) Because of the student's disability, the student requires specially designed instruction.

**Note:** Not every student with a disability needs specially designed instruction.

Learn more about general provisions:

[dpi.wi.gov/sped/information-update-bulletin-2101#General\\_Proviion](https://dpi.wi.gov/sped/information-update-bulletin-2101#General_Proviion)

## A. Timeline

The evaluation timeline has two major parts:

1. After a referral is received, the Local Education Agency must appoint an Individualized Education Program team, including the parents. The first task of the team is to review existing data and either request parental consent for additional assessments or send notice that no additional data is needed. These steps must be finished within 15 business days.

### Parent Tip 3

It is helpful to send the team any relevant information about the child, including private evaluations or assessments completed, so the team has a full picture of the child's disability, skills, and challenges.

2. In most cases, the Individualized Education Program team must complete an initial comprehensive educational evaluation and make an eligibility determination within **60 calendar days** of receiving a parent or guardian's consent. The evaluation and follow-up Individualized Education Program team meeting to review the evaluation results must take place within the 60 days.

## Parent Tip 4

Here is an easy-to-read timeline chart on the Wisconsin Department of Public Instruction (DPI) website:

[dpi.wi.gov/sites/default/files/imce/sped/pdf/sa-eval-timeline-visual.pdf](https://dpi.wi.gov/sites/default/files/imce/sped/pdf/sa-eval-timeline-visual.pdf)

Learn more about timelines here:

[dpi.wi.gov/sped/information-update-bulletin-2101#Timelines](https://dpi.wi.gov/sped/information-update-bulletin-2101#Timelines)

## B. Review of Existing Data

In order to properly evaluate a student according to the Individuals with Disabilities Education Act, the Individualized Education Program team must review the information they already have and determine what additional information they still need. The purpose of a review of existing data is to determine whether any additional data will be needed to complete a full, comprehensive evaluation of the student. This may include any previous evaluations completed, information provided by the parents, any attempted interventions, and observations by the child's teachers and related service providers.

The Department of Public Instruction provides:

- a review of existing data form for the team to use:  
[dpi.wi.gov/sites/default/files/imce/sped/doc/form-ed-1.docx](https://dpi.wi.gov/sites/default/files/imce/sped/doc/form-ed-1.docx)
- guidance on filling out the form:  
[dpi.wi.gov/sites/default/files/imce/sped/pdf/forms-guide.pdf#page=33](https://dpi.wi.gov/sites/default/files/imce/sped/pdf/forms-guide.pdf#page=33)

## Parent Tip 5

You are an equal member of the Individualized Education Program team, so the school is required to involve you in the review of existing data (or, in the event they cannot reach you, attempt at least three times to contact you).

If the Individualized Education Program team decides that no additional data is needed to determine eligibility and identify the student's educational needs, the team will notify the parent. If the Individualized Education Program team decides that additional assessments are needed, the Local Education Agency must inform the parent of the proposed assessments and obtain written consent before proceeding.

## Parent Tip 6

Provide written consent promptly to keep the process moving.  
If you don't sign, the assessments won't happen.

Learn more about the review of existing data:

[dpi.wi.gov/sped/information-update-bulletin-2101#Review%20of%20Existing%20Data](https://dpi.wi.gov/sped/information-update-bulletin-2101#Review%20of%20Existing%20Data)

## C. Evaluation Forms and Disability Categories

The Department of Public Instruction provides forms for the Individualized Education Program team to use when meeting to evaluate a student for an Individualized Education Program. Each form also has guidance on completing the form.

The team will use a central form called the “ER-1,” along with the ER-1 guidance, to document the process and discussions.

- **ER-1 Form**, “Evaluation Report Including: Determination of Disability Category and Need for Specially Designed Instruction”:  
[dpi.wi.gov/sites/default/files/imce/sped/doc/form-er-1.docx](https://dpi.wi.gov/sites/default/files/imce/sped/doc/form-er-1.docx)
- **ER-1 Guidance**, on Page 38 of “Wisconsin Department of Public Instruction: Guide to Special Education Forms”:  
[dpi.wi.gov/sites/default/files/imce/sped/pdf/forms-guide.pdf#page=38](https://dpi.wi.gov/sites/default/files/imce/sped/pdf/forms-guide.pdf#page=38)

The Department of Public Instruction also provides a form and guidance for each of the twelve disability categories listed below. A student may be evaluated in more than one category and may qualify under more than one category. However, only one category is necessary to qualify for an Individualized Education Program, as long as the student’s disability also requires special education services.

Learn more about Wisconsin’s Special Education Disability Categories here:  
[dpi.wi.gov/sped/program](https://dpi.wi.gov/sped/program)

The forms and guidance for each category may be found below:

## Autism

- **Autism Disability Categories Page:**  
[dpi.wi.gov/sped/program/autism](https://dpi.wi.gov/sped/program/autism)
- **Autism Criteria Form:**  
[dpi.wi.gov/sites/default/files/imce/sped/doc/form-er-1-aut.docx](https://dpi.wi.gov/sites/default/files/imce/sped/doc/form-er-1-aut.docx)
- **Autism Form Guidance, Page 49:**  
[dpi.wi.gov/sites/default/files/imce/sped/pdf/forms-guide.pdf#page=49](https://dpi.wi.gov/sites/default/files/imce/sped/pdf/forms-guide.pdf#page=49)

## Blind and Visually Impaired

- **Blind and Visually Impaired Disability Categories Page:**  
[dpi.wi.gov/sped/program/vision](https://dpi.wi.gov/sped/program/vision)
- **Blind and Visually Impaired Criteria Form:**  
[dpi.wi.gov/sites/default/files/imce/sped/doc/form-er-1-bvi.docx](https://dpi.wi.gov/sites/default/files/imce/sped/doc/form-er-1-bvi.docx)
- **Blind and Visually Impaired Form Guidance, Page 53:**  
[dpi.wi.gov/sites/default/files/imce/sped/pdf/forms-guide.pdf#page=53](https://dpi.wi.gov/sites/default/files/imce/sped/pdf/forms-guide.pdf#page=53)

## Deaf and Hard of Hearing

- **Deaf and Hard of Hearing Disability Categories Page:**  
[dpi.wi.gov/sped/program/deaf-hard-of-hearing](https://dpi.wi.gov/sped/program/deaf-hard-of-hearing)
- **Deaf and Hard of Hearing Criteria Form:**  
[dpi.wi.gov/sites/default/files/imce/sped/doc/form-er-1-dhh.docx](https://dpi.wi.gov/sites/default/files/imce/sped/doc/form-er-1-dhh.docx)
- **Deaf and Hard of Hearing Form Guidance, Page 57:**  
[dpi.wi.gov/sites/default/files/imce/sped/pdf/forms-guide.pdf#page=57](https://dpi.wi.gov/sites/default/files/imce/sped/pdf/forms-guide.pdf#page=57)



## Deafblind

- **Deafblind Disability Categories Page:**  
[dpi.wi.gov/sped/program/deafblind](https://dpi.wi.gov/sped/program/deafblind)
- **Deafblind Criteria Form:**  
[dpi.wi.gov/sites/default/files/imce/sped/doc/form-er-1-db.docx](https://dpi.wi.gov/sites/default/files/imce/sped/doc/form-er-1-db.docx)
- **Deafblind Form Guidance, Page 61:**  
[dpi.wi.gov/sites/default/files/imce/sped/pdf/forms-guide.pdf#page=61](https://dpi.wi.gov/sites/default/files/imce/sped/pdf/forms-guide.pdf#page=61)

## Emotional Behavioral Disability

- **Emotional Behavioral Disability Categories Page:**  
[dpi.wi.gov/sped/program/emotional-behavioral-disability](https://dpi.wi.gov/sped/program/emotional-behavioral-disability)
- **Emotional Behavioral Disability Criteria Form:**  
[dpi.wi.gov/sites/default/files/imce/sped/doc/form-er-1-ebd.docx](https://dpi.wi.gov/sites/default/files/imce/sped/doc/form-er-1-ebd.docx)
- **Emotional Behavioral Disability Form Guidance, Page 66:**  
[dpi.wi.gov/sites/default/files/imce/sped/pdf/forms-guide.pdf#page=66](https://dpi.wi.gov/sites/default/files/imce/sped/pdf/forms-guide.pdf#page=66)

## Intellectual Disability

- **Intellectual Disability Categories Page:**  
[dpi.wi.gov/sped/program/intellectual-disabilities](https://dpi.wi.gov/sped/program/intellectual-disabilities)
- **Intellectual Disability Criteria Form:**  
[dpi.wi.gov/sites/default/files/imce/sped/doc/form-er-1-id.docx](https://dpi.wi.gov/sites/default/files/imce/sped/doc/form-er-1-id.docx)
- **Intellectual Disability Form Guidance, Page 72:**  
[dpi.wi.gov/sites/default/files/imce/sped/pdf/forms-guide.pdf#page=72](https://dpi.wi.gov/sites/default/files/imce/sped/pdf/forms-guide.pdf#page=72)

## Orthopedic Impairment

- **Orthopedic Impairment Disability Categories Page:**  
[dpi.wi.gov/sped/program/orthopedic-impairment](https://dpi.wi.gov/sped/program/orthopedic-impairment)
- **Orthopedic Impairment Criteria Form:**  
[dpi.wi.gov/sites/default/files/imce/sped/doc/form-er-1-oi.docx](https://dpi.wi.gov/sites/default/files/imce/sped/doc/form-er-1-oi.docx)
- **Orthopedic Impairment Form Guidance, Page 79:**  
[dpi.wi.gov/sites/default/files/imce/sped/pdf/forms-guide.pdf#page=79](https://dpi.wi.gov/sites/default/files/imce/sped/pdf/forms-guide.pdf#page=79)

## Other Health Impairment

- **Other Health Impairment Disability Categories Page:**  
[dpi.wi.gov/sped/program/other-health-impairment](https://dpi.wi.gov/sped/program/other-health-impairment)
- **Other Health Impairment Criteria Form:**  
[dpi.wi.gov/sites/default/files/imce/sped/doc/form-er-1-ohi.docx](https://dpi.wi.gov/sites/default/files/imce/sped/doc/form-er-1-ohi.docx)
- **Other Health Impairment Form Guidance, Page 76:**  
[dpi.wi.gov/sites/default/files/imce/sped/pdf/forms-guide.pdf#page=76](https://dpi.wi.gov/sites/default/files/imce/sped/pdf/forms-guide.pdf#page=76)

## Significant Developmental Delay

- **Significant Developmental Delay Disability Categories Page:**  
[dpi.wi.gov/sped/program/significant-developmental-delay](https://dpi.wi.gov/sped/program/significant-developmental-delay)
- **Significant Developmental Delay Criteria Form:**  
[dpi.wi.gov/sites/default/files/imce/sped/doc/form-er-1-sdd.docx](https://dpi.wi.gov/sites/default/files/imce/sped/doc/form-er-1-sdd.docx)
- **Significant Developmental Delay Form Guidance, Page 82:**  
[dpi.wi.gov/sites/default/files/imce/sped/pdf/forms-guide.pdf#page=82](https://dpi.wi.gov/sites/default/files/imce/sped/pdf/forms-guide.pdf#page=82)

## Specific Learning Disability

- **Specific Learning Disability Categories Page:**  
[dpi.wi.gov/sped/program/specific-learning-disabilities](https://dpi.wi.gov/sped/program/specific-learning-disabilities)
- **Specific Learning Disability Initial Evaluation Form:**  
[dpi.wi.gov/sites/default/files/imce/sped/doc/form-er-2-a.docx](https://dpi.wi.gov/sites/default/files/imce/sped/doc/form-er-2-a.docx)
- **Specific Learning Disability Form Guidance, Page 98:**  
[dpi.wi.gov/sites/default/files/imce/sped/pdf/forms-guide.pdf#page=98](https://dpi.wi.gov/sites/default/files/imce/sped/pdf/forms-guide.pdf#page=98)

**Note:** The Specific Learning Disability evaluation is more complex than the other disability categories. The process involves documenting the results of interventions, which are done before the timeline begins on the evaluation itself.

## Speech or Language Impairment

- **Speech or Language Impairment Disability Categories Page:**  
[dpi.wi.gov/sped/program/speech-language](https://dpi.wi.gov/sped/program/speech-language)
- **Speech or Language Impairment Criteria Form:**  
[dpi.wi.gov/sites/default/files/imce/sped/doc/form-er-1-sli.docx](https://dpi.wi.gov/sites/default/files/imce/sped/doc/form-er-1-sli.docx)
- **Speech or Language Impairment Form Guidance, Page 87:**  
[dpi.wi.gov/sites/default/files/imce/sped/pdf/forms-guide.pdf#page=87](https://dpi.wi.gov/sites/default/files/imce/sped/pdf/forms-guide.pdf#page=87)

## Traumatic Brain Injury

- **Traumatic Brain Injury Disability Categories Page:**  
[dpi.wi.gov/sped/program/traumatic-brain-injury](https://dpi.wi.gov/sped/program/traumatic-brain-injury)
- **Traumatic Brain Injury Criteria Form:**  
[dpi.wi.gov/sites/default/files/imce/sped/doc/form-er-1-tbi.docx](https://dpi.wi.gov/sites/default/files/imce/sped/doc/form-er-1-tbi.docx)
- **Traumatic Brain Injury Form Guidance, Page 95:**  
[dpi.wi.gov/sites/default/files/imce/sped/pdf/forms-guide.pdf#page=95](https://dpi.wi.gov/sites/default/files/imce/sped/pdf/forms-guide.pdf#page=95)

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## If the Team Decides the Student is “Not Eligible”

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A student can be found not eligible for special education for reasons related to the disability criteria or because the team determines that the child does not require specialized instruction.

Several options may be available for parents if their student is found not eligible, but you believe your child still needs additional supports, which are outlined below.

### A. Section 504 Plan

A student who is not eligible for an Individualized Education Program may be eligible for a written **“504 plan”** under Section 504 of the Rehabilitation Act of 1973. Section 504 protects students with disabilities from discrimination. Specifically, Section 504 protects students with “a physical or mental impairment which substantially limits one or more major life activities.” Life activities can include learning, concentrating, thinking, and communicating, as well as activities such as walking or eating.

A 504 plan is written and implemented to provide the student with the necessary reasonable accommodations so that the student receives equal access to education as their non-disabled peers. Some examples of accommodations include:

- extra time on tests
- seating near the front of the class
- reminders
- check-ins
- extra breaks

## Parent Tip 7

If your student is found not eligible and the team does not automatically begin to consider 504 eligibility, you can make the request during that same meeting.

You can also request a 504 plan at a later time.

Learn more about Section 504:

[www.understood.org/articles/section-504-of-the-rehabilitation-act-of-1973-what-you-need-to-know](http://www.understood.org/articles/section-504-of-the-rehabilitation-act-of-1973-what-you-need-to-know)

## B. Independent Educational Evaluation (IEE)

An **Independent Educational Evaluation** is an evaluation conducted by a private provider who is **not** an employee of the child's Local Education Agency.

Parents of a student with a disability are entitled to an Independent Educational Evaluation at no cost to them when they disagree with the school's evaluation of their child. If a parent is considering requesting an Independent Educational Evaluation, the parent should let the Local Education Agency know that they disagree with the results of the Agency's evaluation.

A Local Education Agency may refuse to pay for an Independent Educational Evaluation and instead defend the results of their evaluation. To defend their evaluation, the Local Education Agency must file a due process hearing request. If this happens, the parent is encouraged to consult with an attorney or special education advocate, as due process hearings are complex and may be difficult to manage without the help of an attorney or advocate.

An Independent Educational Evaluation paid for by the Local Education Agency must meet the same criteria they use when they conduct their own evaluation. You can request a copy of the criteria from the school district.

### Parent Tip 8

A good way to initiate the Independent Educational Evaluation process is to send an email to the person who led the eligibility meeting. Let them know you disagree with the district's evaluation results and want to pursue an Independent Educational Evaluation. Then ask for the list of evaluators that meet district criteria or for a copy of the criteria if you have your own private provider in mind.

If the results of the Independent Educational Evaluation show that the student qualifies for an Individualized Education Program, the district must re-convene to re-examine their evaluation and take the results of the evaluation into consideration. The team is not required to agree with or follow the evaluation results.

Learn more about Independent Educational Evaluations here:  
[dpi.wi.gov/sped/laws-procedures-bulletins/bulletins/99-02](https://dpi.wi.gov/sped/laws-procedures-bulletins/bulletins/99-02)

## C. Reevaluation

If a student who is not found eligible for an Individualized Education Program continues to struggle in school a year after the initial determination, parents may consider requesting a reevaluation. It may be possible to get a reevaluation sooner, but the district must agree and often will choose not to reevaluate before a year unless there is meaningful new information. Evaluating the child multiple times within a year may also be cautioned against due to evaluation fatigue of the child, which could lead to less reliable results.

If your child is determined eligible for an Individualized Education Program under the Individuals with Disabilities Education Act, the district must reevaluate the child at least once every three years, unless the parent and the Local Education Agency agree that reevaluation is unnecessary, or circumstances change for the child and a reevaluation should be completed before three years have passed.

Learn more about reevaluations here:

[dpi.wi.gov/sped/information-update-bulletin-2101#Questions%20Specific%20to%20Reevaluation](https://dpi.wi.gov/sped/information-update-bulletin-2101#Questions%20Specific%20to%20Reevaluation)

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## Further Resources

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### Individualized Education Program Information

**Name:** Individualized Education Program Mini-Modules

**Website:** [wifacets.org/training/iep-mini-modules/](https://wifacets.org/training/iep-mini-modules/)

These 30-to-40-minute modules, videos, and materials by the Wisconsin Family Assistance Center for Education, Training, and Support (WI FACETS) break down what you need to know about the Individualized Education Program process.

**Module 1** covers basic information about special education, including laws and important definitions to know.

**Module 2** covers the special education referral process.

**Module 3** covers evaluations and eligibility in the Individualized Education Program process.

**Module 4** covers reevaluation and Independent Educational Evaluations.

**Name:** Special Education in Plain Language

**Website:** [dpi.wi.gov/sites/default/files/imce/sped/pdf/spec-ed-plain-lang-english.pdf](https://dpi.wi.gov/sites/default/files/imce/sped/pdf/spec-ed-plain-lang-english.pdf)

Special Education in Plain Language is a user-friendly handbook on special education laws, policies, and practices in Wisconsin. The handbook is aimed towards parents, school professionals, and others interested in learning more about procedures of special education.

Information about the Individualized Education Program begins on page 16:

[dpi.wi.gov/sites/default/files/imce/sped/pdf/spec-ed-plain-lang-english.pdf#page=17](https://dpi.wi.gov/sites/default/files/imce/sped/pdf/spec-ed-plain-lang-english.pdf#page=17)

## Evaluations

**Name:** Information Update Bulletin 21.01:  
Special Education Evaluation

**Website:** [dpi.wi.gov/sped/information-update-bulletin-2101](https://dpi.wi.gov/sped/information-update-bulletin-2101)

This information bulletin from the Wisconsin Department of Public Instruction provides information on the Special Education Evaluation process and its provisions, general obligations related to conducting evaluations, and information about the reevaluation process.

**Name:** Comprehensive Special Education Evaluation

**Website:** [dpi.wi.gov/sped/ccr-ieps/comp-eval](https://dpi.wi.gov/sped/ccr-ieps/comp-eval)

This page is a Wisconsin Department of Public Instruction resource on Comprehensive Special Education Evaluations, including why it matters, informative videos, legal citations, and more.



**Name:** Information Update Bulletin 99.02:  
Independent Educational Evaluations (IEEs)

**Website:** [dpi.wi.gov/sped/laws-procedures-bulletins/bulletins/99-02](https://dpi.wi.gov/sped/laws-procedures-bulletins/bulletins/99-02)

This information bulletin from the Wisconsin Department of Public Instruction provides information on Independent Educational Evaluations (IEEs), including what it is, the process of starting one, how they are funded, what stipulations can be in place, and what the results of the process may look like.

## Eligibility

**Name:** Disability Category Criteria Forms and Guides

**Website:** [dpi.wi.gov/sped/laws-procedures-bulletins/laws/eligibility](https://dpi.wi.gov/sped/laws-procedures-bulletins/laws/eligibility)

This Wisconsin Department of Public Instruction resource has disability category criteria forms and worksheets for each of the 12 disability categories under the Individuals with Disabilities Education Act. School districts use disability criteria forms to evaluate whether a student is determined to be in one or more of the defined disability categories and to determine whether they need specially designed instruction.

Forms and worksheets are available in English, Spanish, and Hmong.

**Name:** Eligibility: Determining Whether a Child is Eligible for Special Education Services

**Website:** [ldaamerica.org/info/eligibility-determining-whether-a-child-is-eligible-for-special-education-services/](https://ldaamerica.org/info/eligibility-determining-whether-a-child-is-eligible-for-special-education-services/)

This resource by the Learning Disabilities Association of America discusses what must be considered while determining eligibility; additional procedures when evaluating and determining the existence of a specific learning disability; the components that must be present for a child to be eligible for special education and related services; special education definitions, and more.