

Guidelines – Requests for Evaluations for Admission to College Programs or for SSI Benefits

Increasingly, we have received questions from our clients about their responsibility to evaluate a student for the purpose of establishing accommodations or entitlement to special programs in the college setting or because testing is required to determine whether the child is eligible for SSI benefits. Our advice is that districts must do evaluations only related to school purposes and do not have any obligation to conduct a psychological evaluation so that a student can apply to college, obtain information about potential accommodations needed in the college environment, or at the request of a college as part of the admissions process.

Given the increased and heightened importance and responsibilities placed upon districts in the context of transition planning, however, such an evaluation *may* be appropriate if the request for an evaluation is made for the purposes of transition planning. Should an evaluation request be made for purposes of transition planning, the district should review the request on a case-by-case basis, considering what the district has done in the area of transition planning and the reason for the psychoeducational evaluation request.

If your district decides to deny a parent's request to evaluate the student, at least one appeals panel has indicated that the district needs to do more than just issue notice denying the parent's request. *In re the Educational Assignment of Hugh B.*, Special Education Appeals Panel No. 880 (PDE 1999). In *Hugh B.*, the Panel addressed a parent's request for testing suggested by a private school, which the student attended at parental expense, and concluded that such non-school program related requests for evaluation must be considered by the student's IEP team, consistent with Section 1414 (c) of the IDEA. If the district denies a request for an evaluation, a NOREP must be provided to the parents along with procedural safeguards. If the parent of a student who has not yet been identified as eligible requests non-school related testing, you should similarly follow the above-described process, because Section 1414 (c) provides that the process be done as part of an initial evaluation (if appropriate) and as part of any reevaluation.

Clients who have questions regarding issues discussed in this article, or any education law matter, should feel free to call us at 215-345-9111.