



What to Do If the School Says No to ESE Testing

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You asked the school to test your child for ESE. The school said no. That is not the end. You have rights, and you have choices. This guide shows you the steps.

1. First, Know This

- You have the right to disagree with the school.
- The school must explain its "no" in writing.
- You can try the easy steps first. You can also go straight to a formal step.
- You can ask for testing again at any time. There is no limit.
- Most of these steps are free.

Note: People say "appeal," but the law uses other words: *meeting*, *mediation*, *state complaint*, and *due process hearing*. They all mean ways to challenge the school's decision.

2. Get the School's "No" in Writing

When a school refuses to test, it must send you a letter. This is called Prior Written Notice. It should say:

- What the school refused to do
- Why it refused
- What information it used to decide
- Your rights as a parent, and where to find them



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- Who you can call for help

If you only heard "no" by phone or in a meeting, ask for it in writing.

Send an email: *"Please send me the written notice that explains your decision not to evaluate my child."*

Read the letter. Ask yourself: *Does the reason match what I see at home and what my child's doctor says?*

3. Your Appeal Options at a Glance

Step	What It Is	Cost
A. Ask the school to reconsider	Send new information and ask for a meeting	Free
B. Facilitated meeting	A neutral person helps at the meeting	Free
C. Mediation	A neutral person helps you and the school make an agreement	Free
D. State complaint	The state checks if the school broke the rules	Free
E. Due process hearing	A judge decides	May cost money if you hire a lawyer

You do not have to do these in order. You can use more than one.



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Step A: Ask the School to Reconsider

This is the best first step. Many schools change their minds when they get more information.

1. Write a letter. You can use the template below.
2. Add new information. Include:
 - Reports from your child's doctor, therapist, or other experts
 - Report cards and test scores
 - Notes from teachers
 - Your own notes about what you see at home
3. Ask for a meeting. Ask to talk with the principal and ESE staff.
4. Ask them to put the final answer in writing.

Template: Reconsideration Letter

[Your full name] [Your address, phone, email]

[Date]

[Principal's name] and [ESE contact or district ESE director] [School or district name]

Subject: Request to reconsider the decision not to evaluate [child's name]

Dear [Name],

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I received your notice dated [date]. It says the school will not evaluate my child, [child's full name], date of birth [date], in [grade].

I disagree with this decision. I believe my child may have a disability and may need special education. I am attaching new information:

- [Example: Report from Dr. ____ dated ____]
- [Example: Report cards and teacher notes]
- [Example: My list of concerns]

I am asking the school to reconsider and evaluate my child. Please also:

1. Send me the data and records you used to make your decision.
2. Schedule a meeting with me. I am free on [dates and times].
3. Send your final answer in writing within [10] school days.

Please also send me another copy of the Procedural Safeguards.

Thank you,
[Your name]

Step B: Ask for a Facilitated IEP or Team Meeting

In Florida, a school district can offer a facilitator. This is a neutral person who helps everyone talk, listen, and stay on topic. They do not take sides. It is free.

How: Ask your school or district ESE office in writing. Say:

"I would like to request a facilitated meeting about my request to evaluate my child."

If the district does not offer it, ask the Florida Department of Education how to get one.

Step C: Mediation

Mediation is a meeting with a trained, neutral mediator. The mediator helps you and the school try to agree. It is:



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- Free to you
- Private
- Voluntary. You and the school must both agree to do it.

If you reach an agreement, you both sign it. It is a legal paper. If you do not agree, you can still use other steps.

How: Ask your district's ESE office, or contact the Florida Department of Education's Bureau of Exceptional Education and Student Services (BEESS). Ask for mediation in writing.

Template: Request for Mediation

[Your full name]

[Your address]

[Your phone number and email]

[Date]

[District ESE director's name]

[School district name]

[District address]

(Optional: Send a copy to the Florida Department of Education, Bureau of Exceptional Education and Student Services. Check their website for how to send it.)

Subject: Request for mediation about [child's full name]

I am the parent of [child's full name], born [date of birth], who attends [school name] in [grade].



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I am requesting **mediation** to resolve a disagreement with the school about:

- [Example: the decision not to evaluate my child for special education, dated (date)]
- [Example: the school's evaluation of my child, dated (date)]
- [Example: the services in my child's IEP]

I have tried to resolve this by [talking with the teacher / sending a letter on (date) / meeting with the team on (date)]. We have not reached an agreement, and I believe a neutral mediator can help.

I am asking the school to [Example: evaluate my child in all areas of concern / pay for an Independent Educational Evaluation / add (service) to my child's IEP].

Please send me the following **in writing**:

1. Confirmation that you received this request
2. How the district will arrange mediation, at no cost to me
3. The dates and times available
4. A copy of the Procedural Safeguards

Please respond by [date, such as 10 school days from now]. You can reach me at [phone] or [email].

Requesting mediation does not limit my other rights under the law. I would still like to work with the school team to find a solution. *(Optional: I speak [language] and request an interpreter.)*

Thank you for your prompt attention to this request.

Sincerely,



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[Your name]

Step D: File a State Complaint

This is a formal complaint to the Florida Department of Education. You are saying the school broke special education rules. For example: *"The school refused to evaluate my child without a good reason, or did not give me written notice."*

What to Do

1. Write the complaint. It must be in writing and signed.
2. Include:
 - Your name, address, and phone number
 - Your child's name, school, and district
 - A clear statement of what rule the school broke
 - The facts. Say what happened, with dates
 - What you want the school to do (for example, evaluate your child)
3. Attach proof. Add your letters, emails, the school's written notice, and reports.
4. Send a copy to the school district at the same time.
5. Send it to the Florida Department of Education, BEESS. Call or check their website for the current address or form.
6. Keep a copy and proof you sent it.

What to Know

- The complaint must be about something that happened within the past year.
- The state looks into it and sends a written decision. It usually takes about 60

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days.

- If the state finds the school broke the rules, it can order the school to fix it.

Template: State Complaint Outline

[Your name, address, phone, email] [Date]

Florida Department of Education Bureau of Exceptional Education and Student Services

[Use the current address from the FDOE website]

Subject: State complaint against [school district name]

I am the parent of [child's full name], date of birth [date], who attends [school] in [district].

I believe the district broke special education rules. This is what happened:

1. On [date], I asked in writing for an evaluation. (Copy attached.)
2. On [date], the school refused. (Notice attached.)
3. [Describe any problem: no written reason, reason was not valid, no response, long delay.]

I believe this broke [the rule about evaluations / prior written notice / timelines]. *(If you are not sure of the rule, describe the facts. The state will review them.)*

I am asking the state to require the district to:

- Evaluate my child
- [Any other fix you want]

Attached: [list your documents]

Signed: [Your signature]

[Printed name]

I am sending a copy to: [district name and person].



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Step E: Ask for a Due Process Hearing

This is the most formal step. It is like a small court case. An administrative law judge listens to both sides and makes a decision. In Florida, these hearings are handled by the Division of Administrative Hearings (DOAH).

When to Use It

- Other steps did not work.
- The issue is serious or time matters.
- You want a legally binding decision.

How It Works

1. Write a due process complaint. Include:
 - Your child's name, address, and school
 - What the problem is
 - The facts
 - What you want to happen
2. Send it to the district. Check your Procedural Safeguards for exactly where to send it and whether to send a copy to the state or DOAH.
3. Resolution meeting. The school must set up a meeting with you in about 15 days to try to fix the problem.
4. If still not solved, the case goes to a hearing. The hearing usually must be done within about 45 days after the resolution period ends.



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5. The judge decides. The decision is in writing.

What to Know

- You usually have 2 years from when you learned of the problem to file.
- You can bring a lawyer, an advocate, and witnesses.
- A lawyer is not required, but it can help. Free or low-cost legal help may be available (see Section 5).
- If you win, a judge may order the school to evaluate your child. In some cases, you may be able to recover attorney's fees.
- If you disagree with the judge, you can appeal to a court.

4. Important Tips

- Put everything in writing. Emails are best.
- Keep dates. Write down who you spoke to and what was said.
- Stay calm and polite. It helps. It does not mean you are giving up.
- Keep trying. Do not stop after the first "no."
- Bring support. A friend, advocate, or your child's doctor can come to meetings.
- Check deadlines. The state complaint and hearing have time limits.
- Ask for the Procedural Safeguards. It is your official rule book.

What If My Child Is Struggling Now?

You do not have to wait. Ask the school for support now, such as:

- Extra help in class
- A 504 plan (accommodations to help your child in school)
- A school-based problem-solving team (often called MTSS)
- Private help, such as a doctor or therapist, while you work on the appeal

5. Free or Low-Cost Help

- Family Network on Disabilities (FND): Parent support, free workshops, and help

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with your questions

- FDLRS (Florida Diagnostic and Learning Resources System): Information and support for families
- Disability Rights Florida: Free legal help for people with disabilities
- Florida Department of Education, BEESS: State information, mediation, and complaints
- Your local legal aid office: Ask if they do special education cases
- Your child's doctor: Ask for a letter or report

6. Quick Checklist

- ☐ I got the school's "no" in writing (Prior Written Notice)
- ☐ I read the reason the school gave
- ☐ I wrote down what I disagree with
- ☐ I gathered new reports, records, and notes
- ☐ I sent a letter asking the school to reconsider
- ☐ I asked for a meeting
- ☐ I asked for a facilitator or mediation, if needed
- ☐ I called a free help group (FND, FDLRS, or Disability Rights Florida)
- ☐ I wrote down my deadlines (1 year for state complaint, 2 years for due process)
- ☐ I filed a state complaint, if needed
- ☐ I asked for a due process hearing, if needed
- ☐ I kept copies of every letter, email, and note in one folder



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7. Step-by-Step Summary

1. Get the "no" in writing. Ask for Prior Written Notice.
2. Read the reason. Decide if you agree.
3. Gather new information. Doctor reports, grades, notes.
4. Send a reconsideration letter. Ask for a meeting.
5. Go to the meeting. Bring support.
6. If no change, ask for a facilitated meeting or mediation. Both are free.
7. File a state complaint if you think the school broke the rules.
8. Ask for a due process hearing if you need a legal decision.
9. Keep your child supported in the meantime.
10. Keep records. Never stop asking.

This guide is general information. It is not legal advice. Rules, forms, and timelines can change, and districts have their own procedures. Check your Procedural Safeguards notice, your district's ESE office, and the Florida Department of Education for current details. For legal questions, talk to a special education attorney or advocate.