

**Topic Brief**  
**Evaluation Timelines Guidance**  
January 2007

***Evaluation procedures: Timeline***

*Relevant statutory/regulatory provisions:*

IDEA 2004 Section 614

State statutes: Section 10-76ff, Procedures for determining if a child requires special education

State regulations: Section 10-76d-1, Conditions of Instruction  
Section 10-76d-13, Timelines

**IDEA 2004 Section 614(a) (1) (C): Procedures**

(C) Procedures.—

(i) In General.—Such initial evaluation shall consist of procedures—

(I) to determine whether a child is a child with a disability (as defined in section 602) within 60 days of receiving parental consent for the evaluation, or, if the State establishes a timeframe within which the evaluation must be conducted, within such timeframe; and,

(II) to determine the educational needs of the child.

(ii) Exception.—The relevant timeframe in clause (i)(I) shall not apply to a local educational agency if—

(I) a child enrolls in a school served by the local educational agency after the relevant timeframe in clause (i)(I) has begun and prior to a determination by the child's previous local educational agency as to whether the child is a child with a disability (as defined in section 602), but only if the subsequent local educational agency is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent local educational agency agree to a specific time when the evaluation will be completed; or

(II) the parent of a child repeatedly fails or refuses to produce the child for the evaluation.

**State statutes and regulations:**

The current State statute relating to evaluation procedures does not contain any direction regarding the timeframe for the completion of evaluations. The provision relevant to this issue is found in the State regulations at Section 10-76d-13 regarding "Timelines".

"Days" are defined as school days for purposes of this section. The regulation states the following:

(a) School year. In the case of a referral made during the academic year, the timelines shall be as follows.

(1) The individualized education program shall be implemented within forty-five days of referral or notice, exclusive of the time required to obtain parental consent.

- (2) In the case of a child whose individualized education program calls for out-of-district or private placement, the individualized education program shall be implemented within sixty days of referral or notice, exclusive of the time required to obtain parental consent. If difficulty of placement is such as to occasion a delay beyond this period, the board of education shall submit to the state board of education written documentation of its efforts to obtain placement in a timely manner.
- (b) Between school years. In the case of a referral made in between school years, the effective date of the referral may be deemed to be the first school day of the next school year.

**State Guidance:**

IDEA 2004 has set two alternate standards for the allowable timeframe within which a determination of whether a child may be eligible for special education must be completed: a 60 **calendar** day timeframe or the **State** timeframe. This is not an issue of a “higher standard” between applicable federal and state provisions. The IDEA 2004 language defers to the State standard, if one exists. In Connecticut, a State standard does exist: the referral timeline is 45 **school** days from the date of referral to complete the entire process from referral to implementation of the IEP: the child must be evaluated, eligibility for special education determined and an IEP developed and implemented.

The Bureau acknowledges that while the Connecticut timeline imposed more stringent standards than federal standards on districts with respect to referrals made when school is in session, districts also needed to be cognizant of the federal requirements particularly for initial referrals which are made at the end of the school year. A cut off date for the receipt of referrals during the school year is inappropriate. It is permissible to advise parents and school staff that in order for referrals to be processed in a timely fashion before school ends for the year, they must be received by a certain date. It is never appropriate to refuse to process a referral because it is received near the close of the school year. When referrals are received at the end of the school year, the district should initiate the evaluation process and if possible complete the evaluation and develop an IEP for the following school year. If the evaluation cannot be completed by the last day of school, the district may stop the count towards the 45 school day timeline on the last day of school and resume the count on the first day of school. Whenever possible, the bureau strongly encourages districts to complete evaluations over the summer in order to begin the school year with a student’s IEP in place.

Districts are reminded that for referrals made from the Birth to Three System and for children who turn age 3 in the summer, a decision must be made as to the child’s eligibility for special education and the child’s need for an extended school year program, in conformity with State Regulation Section 10-76d-1: “A preschool child requiring special education and related services is entitled to receive a free, appropriate public education on and after the child’s third birthday, notwithstanding the fact that the third birthday occurs outside of the regular school year.” So, the district may not interrupt the evaluation, determination of eligibility for special education, development of an IEP and

determination of eligibility for extended school year services because the child is turning three over the summer.

### **Questions and Answers Generated by the SPP Data Collection**

1. **What date constitutes the date of referral?**

The referral process is initiated by a parent or staff member in the district through the completion of the CSDE Form ED621: Referral to Determine Eligibility for Special Education and Related Services. The date of referral (beginning of 45 school day time line count) begins when the form is completed and signed (on the bottom of page two of the form) or a letter from the parent requesting a referral is received by a district staff member. In the event the form is completed by a parent and signed on one day, but received at the school on a future day, the district should have a method to date stamp the day the referral is received at the school. This would constitute the date of referral. The date on page one that the School Administrator receives the referral is NOT the date that starts the 45 school day timeline.

2. **What happens if the parent does not sign the ED625: Notice and Consent to Conduct an Initial Evaluation?** The 45 school day “clock” stops when the parent leaves the PPT meeting without providing consent to conduct the evaluation. The parent may take up to 10 school days to sign the consent. These days would not be used towards the 45 school day count. The count continues on the day that the signed consent by the parent is received by a member of the district’s staff. If the parent does not sign the consent within the 10 school days, the district will assume that consent has been denied. The district should contact the parent to ensure that the parent is informed that either the evaluation will not be conducted or the district will be requesting a mediation or filing for a due process hearing in order to obtain consent to conduct the evaluation. In the event that the parent does not attend the PPT designed to discuss the referral and plan an evaluation, and the PPT determines that an evaluation is necessary, then the district will forward the consent form to the parent. The 45 school day timeline clock resumes when the parent returns the signed consent form.

3. **Once the parent has consented to conduct an initial evaluation, does the district need to wait five school days for the parent to receive prior written notice before it can commence with the evaluation?**

Once the parent consents to the evaluation, the district can commence with the evaluation immediately.

4. **What evaluation information needs to be available at the PPT to review the results of the evaluation and determine eligibility?**

Federal Regulations 300.306 (a) (1) (2) require

- (a) General. Upon completion of the administration of assessments and other evaluation measures-

- (1) A group of qualified professionals and the parent of the child determines whether the child is a child with a disability, as defined in 300.8 in accordance with paragraph (b) of this section and the educational needs of the child; and
- (2) The public agency provides *a copy of the evaluation report* and the documentation of determination of eligibility at no cost to the parents.

The parent has a right to make an informed consent regarding placement in special education. In order to be fully informed, it is advised that all evaluation results be available in writing before the PPT in order to give the parent the opportunity to review the results. It is reasonable for a parent to expect an opportunity to review written evaluations results and ask questions of the evaluators, prior to determining eligibility. In some instances, a parent conference prior to the PPT meeting may be necessary to provide an opportunity for evaluation results to be fully reviewed and explained to the parent.

**5. What happens if the PPT scheduled to review evaluation results and determine eligibility does not occur due to a snow day?**

The snow day is not considered a school day so does not count against the 45 school day timeline count. In the event that the PPT to determine eligibility is cancelled due to snow, the PPT should be rescheduled as soon as possible and without undue delay.

**6. What happens if a student is unavailable for testing due to hospitalization or illness?**

If the student is unavailable due to hospitalization or extended illness, the PPT should obtain written verification from the primary care physician that the child was unavailable for testing during a specific time period. This time period could then be subtracted from the 45 school day timeline count.

**7. What happens if the parent does not attend the PPT scheduled to review evaluation results and determine eligibility?**

If the meeting is held and the parent is not present, the parent should be given an opportunity to review the evaluation results and eligibility determination. The parent needs to receive prior written notice regarding the eligibility determination. Once the parent signs the ED 626 Consent for Special Education Placement, services may be provided as determined by the PPT and in no case later than the 45 school day timeline from the date of referral. Parental consent should not be sought until the IEP and placement decisions are completed.

**8. What happens if the PPT determines that a trial placement for diagnostic purposes is needed?**

Sec 10-76d-14 (b) allows for the trial placement for diagnostic purposes. This placement may not be for more than eight weeks duration. The purpose of the placement is to assess the needs of a child for whom an individualized education

program may not be needed, but for whom the evaluation study is either inconclusive or the data insufficient to determine the child's education program. The PPT is required to meet at least once every two weeks with personnel working with the child to discuss the child's progress and to revise, where necessary goals or services. The program must be terminated as soon as the child's needs have been determined. Five school days before the end of the diagnostic program the planning and placement team shall reconvene to write the child's individualized education program if appropriate, based on findings made during the program as well as other evaluation information regarding the child. If the district adheres to the timelines required by the diagnostic placement they are in compliance with the timelines for conducting the evaluation.

**9. What happens if the PPT is using an outside evaluator who is unable to meet the 45 school day timeline?**

When discussing the need for an external evaluator, the PPT should decide if the information being collected from the external evaluator is required to determine eligibility and development of the IEP. Whenever possible, the PPT should use internal evaluators for the purpose of completing an initial evaluation to determine eligibility and an external evaluation to supplement or enhance the information gathered from the initial evaluation. In the event that the team believes the external evaluation is necessary to determine eligibility, then the parent's agreement with the timelines for the external evaluator should be noted in the meeting minutes or on the PPT Cover Page. In this case, the district would be in violation of the 45 school day timeline.

**10. What happens if a Birth to Three referral is made and the evaluation information is not up to date?**

The district has a responsibility to conduct an evaluation to determine eligibility and implement the IEP by the child's third birthday when the referral is received within 45 school days of the child turning three. For children where the 45 school day timeline goes beyond the end of the school year, the district still has the responsibility to determine eligibility and develop an IEP by the child's third birthday. In addition, for the child turning three over the summer, the IEP team shall determine whether or not a child requires extended school year services. If existing evaluation data is not available or current from the the Birth to Three System, then the district must design and conduct an evaluation to determine eligibility for preschool special education services.

**11. Does the SPP data collection apply to both students placed in public schools as well as those parentally placed students in private schools or those referred by their parents when the child is not enrolled in any school?**

Yes, the data for the SPP is collected for students who are and are not enrolled in public school. The 45 school day timeline is the same for all referred students.

**12. Does the SPP data collection apply to students who are being re-evaluated?**

No, the SPP only collects data on new referrals.

**13. What data should the district track for the SPP data reporting?**

For the purpose of collecting data on evaluation timelines, the district should track the following: the time from referral to completion of the evaluation; to determination of eligibility; and to implementation of the IEP. The data should be tracked for students enrolled in public school, students enrolled by their parents in private/parochial schools, choice programs and for students who are home schooled. The data collected for the purpose of the SPP will allow for explanations of the circumstances noted above, so if the evaluation is completed after the 45 school day timeline, the district should track the reasons for the delay and the number of days until completion of the evaluation.