



# STATE OF CONNECTICUT

## STATE DEPARTMENT OF EDUCATION



**TO:** Directors of Special Education and Pupil Personnel Services

**FROM:** Bryan Klimkiewicz, Division Director, Bureau of Special Education *BK*

**DATE:** January 23, 2020

**SUBJECT:** Initial Evaluation Timeline

The Bureau of Special Education is issuing updated guidance on the timeline for initial special education evaluations in the state of Connecticut. The December 21, 2018 guidance memorandum titled *Timelines for Initial Evaluation* is rescinded and effective immediately is being replaced with the following:

This guidance is being issued to clarify the requirements for the initial evaluation timeline. Conducting timely evaluations is an integral part of our commitment to each student's right to a free and appropriate public education.

### ***Federal Timeline***

According to 34 CFR § 300.301, once a district receives signed parental consent for initial evaluation, it has 60 calendar days to complete a comprehensive evaluation. The Individuals with Disabilities Education Act (IDEA) 60-day timeline applies only to the initial evaluation and does not include the time required to determine eligibility, to obtain parent consent for the initial provision of special education and related services, or to implement the individualized education program (IEP).

The State will no longer use the Federal Timeline.

### ***State Timeline***

As permitted by federal regulation 34 CFR §300.301, the Connecticut State Department of Education (CSDE) established a State timeline for the completion of initial evaluations. Pursuant to Regulations of Connecticut State Agencies §10-76d-13, once a district receives a written referral for special education evaluation, it has 45 school days to complete an initial evaluation, exclusive of the time required to obtain parental consent. The State timeline encompasses the entire eligibility determination process including reviewing the referral, obtaining written parental consent for evaluation, conducting a comprehensive evaluation, determining eligibility, obtaining written parental consent for the provision of special education services and implementing an IEP if the student is found eligible. For more detail on specific actions that must occur within the State timeline, please see Page 5.

### **Note**

The CSDE expects that the district will conduct a full and individual evaluation that consists of procedures to determine if the child is a child with a disability under 34 C.F.R. § 300.301. Further, the evaluation must be "sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified." 34 C.F.R. § 300.304(c)(6). The practice of determining a child "not eligible" and then immediately re-referring the child to conduct a second initial evaluation is no longer permitted.

### During the School Year

In the case of a referral made during the academic year, the IEP shall be implemented within 45 school days of the referral, exclusive of the time required to obtain parental consent. In other words, in accordance with requirements regarding consent, the timeline may pause for up to 10 school days from the date the parent receives the *Notice and Consent to Conduct an Initial Evaluation* form (ED625) until the district receives it back. Similarly, the timeline may pause again for up to 10 school days from the date the parent receives the *Consent for the Initial Provision of Special Education* form (ED626) until the district receives it back. In the case of a child whose IEP requires an out-of-district or private placement, the IEP shall be implemented within 60 school days of the referral, exclusive of the time required to obtain parental consent.

### End of the School Year

When a student is referred and recommended for evaluation near the end of the school year, districts are strongly encouraged to complete the initial evaluation as soon as possible. However, a district may complete the evaluation at the beginning of the next school year provided that it adheres to the State's 45 school day timeline. For example, the lack of staff or student availability during the summer months may prevent the evaluation from being completed sooner.

### Between School Years

In 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.

### ***Additional Considerations***

The CSDE has determined that the 45 school day timeline begins after a district receives a signed, completed referral form (ED621) *Referral to Determine Eligibility for Special Education and Related Services* or a written referral made by one of the following individuals:

- parent, guardian, or surrogate parent;
- the student, if he or she is 18 years or older;
- school personnel; or
- individuals from agencies to whom parental permission has been granted.

If when speaking to a district staff member, a parent verbally expresses a concern that his/her child may have a disability and need special education services, the staff person should direct the parent to put his/her concern(s) in writing and then accept that document as a referral. If the parent is unable to put the request in writing, the staff member should follow the district's process for such cases and provide the necessary accommodation to ensure the referral is processed. Districts are strongly encouraged to employ a date stamp or similar method to document when a district staff member receives an initial referral.

The Office of Early Childhood will notify school districts about all children enrolled in the Birth to Three system who either reside in their district or for whom the district has been designated as Nexus (as determined by the Department of Children and Families). One group of children included in the notification are those enrolled in Birth to Three whose parents have agreed to include the school district in the child's transition planning conference. The district should accept the notification of these children as an official referral and contact the parent to discuss the most appropriate time to complete an evaluation, which may be closer to the student's third birthday. It is important to note that written parental consent to conduct an initial evaluation must be obtained by the district even if the planning and placement team

(PPT) is using the available evaluation information provided by the Birth to Three system to determine the student's eligibility. To meet federal requirements, the district is required to have an IEP in place by the child's third birthday.

In situations where it is not possible to have a program in place by age three because of a late referral (e.g., children referred by a parent at age 34 months or older), the expectation would be to complete the initial evaluation within the State's 45 school day timeline. Therefore, a late referral for a child who is close to age three may result in IEP services beginning after the child's third birthday.

### ***Reporting Requirements***

The CSDE requires electronic data submission on initial evaluation activities that were conducted by each district every year. Under the IDEA Part B, districts are required to report data for all children ages three to twenty-one years for whom written parental consent to conduct an *initial* evaluation has been received between July 1 and June 30 of each year, including children who are home-schooled or placed by their parents in private and/or religiously affiliated schools in the district. The CSDE considers the timely and accurate submission of these data when making the district's annual special education determination reported in the district-level annual performance report (APR).

Commencing with Connecticut's State Performance Plan/Annual Performance Report (SPP/APR) Part B submission due to the Office of Special Education Programs (OSEP) on February 3, 2020, the initial evaluation data the CSDE provides for *Indicator 11: Child Find* will be consistent with the State's 45 school day evaluation timeline and will no longer be based on the federal 60 calendar day timeline, which had been the CSDE's past practice.

Children who are referred for special education consideration but for whom written parental consent to conduct an initial evaluation is not obtained by the district should not be included in the data collection.

When a district receives a referral and written parental consent at the end of one school year and completes the evaluation and eligibility determination at the beginning of the next school year, the student's evaluation timelines record must be included in the collection year during which the district receives written parental consent for initial evaluation.

A district must report data for each student for whom it determined eligibility. This includes students the PPT determined not eligible for special education services, as well as students determined eligible for special education but for whom the district did not receive written parental consent for the initial provision of special education (ED626). Districts should not report data for re-evaluations, Section 504 evaluations, or gifted and talented evaluations.

Districts will continue with the current process for reporting evaluation timelines data to the CSDE for the remainder of the 2019-20 school year; however, districts should expect some updates to the State's evaluation timelines data collection system starting with the 2020-21 collection year. More specific information about the data collection changes will be provided to districts and IEP system vendors before the changes are implemented.

***Technical Assistance***

Districts should refer to the technical assistance contacts listed below with any questions regarding the evaluation timelines reporting.

<b>Topic</b>	<b>Contact</b>	<b>Telephone</b>	<b>E-mail</b>
SPP/APR Indicator 11	Michael Tavernier	860-713-6929	<a href="mailto:michael.tavernier@ct.gov">michael.tavernier@ct.gov</a>
Evaluation Timelines Data Collection	Gil Andrada	860-713-6883	<a href="mailto:gilbert.andrada@ct.gov">gilbert.andrada@ct.gov</a>
Evaluation Timelines Analysis and Reporting	Diane Murphy	860-713-6891	<a href="mailto:diane.murphy@ct.gov">diane.murphy@ct.gov</a>

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# Connecticut Timeline for Special Education Initial Evaluation

