

Initial Evaluation

Each public agency must conduct a full and individual initial evaluation, in accordance with 34 CFR Sec. 300.300, 300.301, Sec. 300.304, Sec. 300.305 and Sec 300.307, before the initial provision of special education and related services to a child with a disability under this part.

Only the parent of the child and/or chief administrative official of the public education agency or person designated as special education official may initiate a request for an initial special education evaluation, as referenced in 34 CFR- §§ 300.301(b).

A public education agency shall obtain informed written consent from the parent of the child before conducting an initial evaluation (34 CFR §§ 300.301, 300.503, 300.504, and 300.9).

Public education agencies must complete an initial evaluation within 60 calendar days of receiving informed written parental consent to do so (34 CFR §§ 300.301(c)(i)). If no additional data are needed to make an eligibility, or non-eligibility determination, the PEA is not required to obtain informed written consent.

Initial Evaluation Procedures:

1. Based on the review of existing data, the PEA may review and accept current data about the student from another state, PEA or qualified evaluator. If additional data is needed, the PEA is responsible for developing the evaluation plan with the parent prior to obtaining their informed written consent.
2. Evaluation must be completed within 60 calendar days from the date of informed written consent. The 60-day evaluation period may be extended for up to 30 calendar days, provided it is in the best interest of the child, and the parents and PEA agree in writing to such an extension. Upon completion of the evaluation, PEA must provide the parent with written communication that the evaluation has been completed.
3. Eligibility determination meeting will be conducted subject to meeting notice requirements under Sec. 300.322.
4. If the child is determined eligible for special education, an IEP shall be developed within 30 days of eligibility determination, not to exceed 90 calendar days from the date of informed parental consent to conduct an initial evaluation.

Rules Committee: Initial Evaluation, Evaluation Procedures, Reevaluation – FINAL DRAFT 7/18/14

REEVALUATION

The PEA must consider the reevaluation of each child with a disability at least every three years from the date of previous eligibility determination and in accordance with 34 CFR §§300.303 through 34 CFR §§300.311.

Informed written parental consent may be required pursuant to 34 CFR §§ 300.300(c) and 34 CFR §§ 300.301 prior to initiating the reevaluation.

Dismissal of service is subject to reevaluation requirements under 34 CFR §§ 300.305 (e).

Termination of services due to graduation or exceeding age of eligibility are not subject to reevaluation; however a summary of students performance is required pursuant to 34 CFR §§ 300.305 (e)(2) and required under 34 CFR §§ 300.305(e)(3)