



**STATE OF CONNECTICUT**  
*STATE DEPARTMENT OF EDUCATION*



**TO:** Directors of Special Education and Pupil Personnel Services  
**FROM:** Bryan Klimkiewicz, Bureau Chief of Special Education   
**DATE:** December 21, 2018  
**SUBJECT:** **Timelines for Initial Evaluation**

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

Pursuant to Section 616 of the Individuals with Disabilities Education Act (IDEA), the Connecticut State Department of Education (CSDE) is mandated by the U.S. Department of Education to report district data for Connecticut's State Performance Plan/Annual Performance Report (SPP/APR). Indicator 11 of the SPP/APR requires the CSDE to monitor district compliance with the evaluation timeline established in the Code of Federal Regulations (CFR) and report the "percent of children with parental consent to evaluate, who were evaluated and eligibility determined within 60 days (or state established timelines)."

The CSDE collects district initial evaluation data in order to (1) meet the federal requirement, and (2) determine compliance with the established state timeline. The CSDE also considers the timely and accurate submission of these data when making the district's annual special education determination reported in the district-level APR.

***Federal and State Timelines***

There are two timelines for initial evaluations. The federal timeline is based on calendar days while the state timeline is based on school days. Each timeline has different start and end points.

**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 and determine eligibility.

**State Timeline**

Regulations of Connecticut State Agencies (RSCA) § 10-76d-13 requires that once a district receives a referral for special education, it has 45 school days to obtain written parental consent, conduct a comprehensive evaluation, determine eligibility, and implement the individualized education program (IEP).

The evaluation will be considered on time if a district fails to meet the federal 60 calendar day timeline but is still within the state 45 school day timeline. For more details, please see the *Timelines for Special Education Referral/Initial Evaluation Process* on page 5.

***Timeline Considerations***

A student's eligibility for special education and related services should be determined and if eligible, an IEP implemented as soon as possible following referral for special education consideration.

### During the School Year

In the case of a referral made during the academic year, the timelines shall be as follows:

- The student's eligibility shall be determined within 60 calendar days from receipt of written parental consent for initial evaluation; *or*
- The IEP shall be implemented within 45 school days of referral, *exclusive of the time required to obtain parental consent* (i.e., after the district requests parental consent for either (1) conducting an initial evaluation or (2) the initial provision of special education, the timeline pauses until written parental consent is received).

NOTE: 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 referral, *exclusive of the time required to obtain parental consent* (see above explanation).

### End of the School Year

When a student is recommended for evaluation near the end of the school year, districts are strongly encouraged to complete the evaluation within 60 calendar days. However, a district may complete the evaluation at the beginning of the next school year provided that it adheres to the state 45 school day timeline. A district may choose to follow the 45 school day timeline when circumstances (e.g., staff or student availability during the summer) prevent the completion of the evaluation within 60 calendar days. When a district receives written parental consent at the end of one school year and completes the evaluation/determines eligibility 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.

### 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 (Form ED621: *Referral to Determine Eligibility for Special Education and Related Services*) or written letter requesting a 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 their 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. Districts are strongly encouraged to employ a date stamp or similar method to document when a district staff member receives an initial referral.

There may be instances in which a planning and placement team (PPT) convenes to review the initial evaluation results and determines that more information is needed to make an eligibility decision. In these cases, the PPT can determine the student "not eligible," then immediately re-refer the student, and obtain another written consent to conduct an initial evaluation for any additional assessment(s). The original referral would then be closed and a new timeline would start for the second referral. As a result, there would then be two separate initial evaluation records for the student in the evaluation timelines data submission.

The Office of Early Childhood will notify school districts about all children enrolled in Birth to Three 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 start the referral process for each of these children immediately. Subsequently, if the district receives written parental consent to evaluate, the child's record would be included in the evaluation timelines data collection. It is important to note that written parental consent to conduct an initial evaluation must be obtained by the district even if the 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) a reasonable standard would be to use the state 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.

### ***District Reporting Requirements***

The CSDE requires electronic data submission on initial evaluation activities that were conducted by each district every year. Under IDEA Part B, districts are required to report data for all children aged 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 placed by their parents in private/religiously affiliated schools or home-schooled in your district.

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 reporting initial evaluation data, districts are required to report reasons for noncompliance with required timelines for each student whose evaluation and eligibility determination was made after 60 calendar days from the date of written parental consent. The data collection system provides nine reasons to explain eligibility determinations made beyond 60 calendar days.

### Reasons for Delay:

1. Documented request by parent to reschedule or delay PPT meeting after agreeing to attend at a particular time and date
2. Parent repeatedly fails or refuses to produce the child for evaluation
3. Student hospitalized/extended absence with medical documentation that the student is not available for evaluation
4. Student placed in diagnostic placement for the purpose of determining eligibility
5. PPT cancelled due to inclement weather/emergency closing
6. Child referred from the Birth to Three System, had a 90-day transition conference, and either had an IEP in place by their third birthday or was found not eligible
7. Did not meet the federal 60 calendar day evaluation timeline; met the 45 school day implementation timeline
8. Other
9. Documented agreement to extend the evaluation timeline for the purpose of determining a Specific Learning Disability (ED637 form)

District staff should carefully review the available Reasons for Delay and choose the appropriate option. If a district fails to meet the federal 60 calendar day timeline but is still within the state 45 school day timeline, Reasons for Delay 7 should be selected and the evaluation will be considered on time. **Reasons for Delay 8 (“Other”) should only be selected if no other option is appropriate.** Districts are encouraged to contact the CSDE directly for guidance as needed.

**A district should 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 (Form ED626).

**Districts should not report data for re-evaluations, 504 evaluations, or gifted and talented evaluations.**

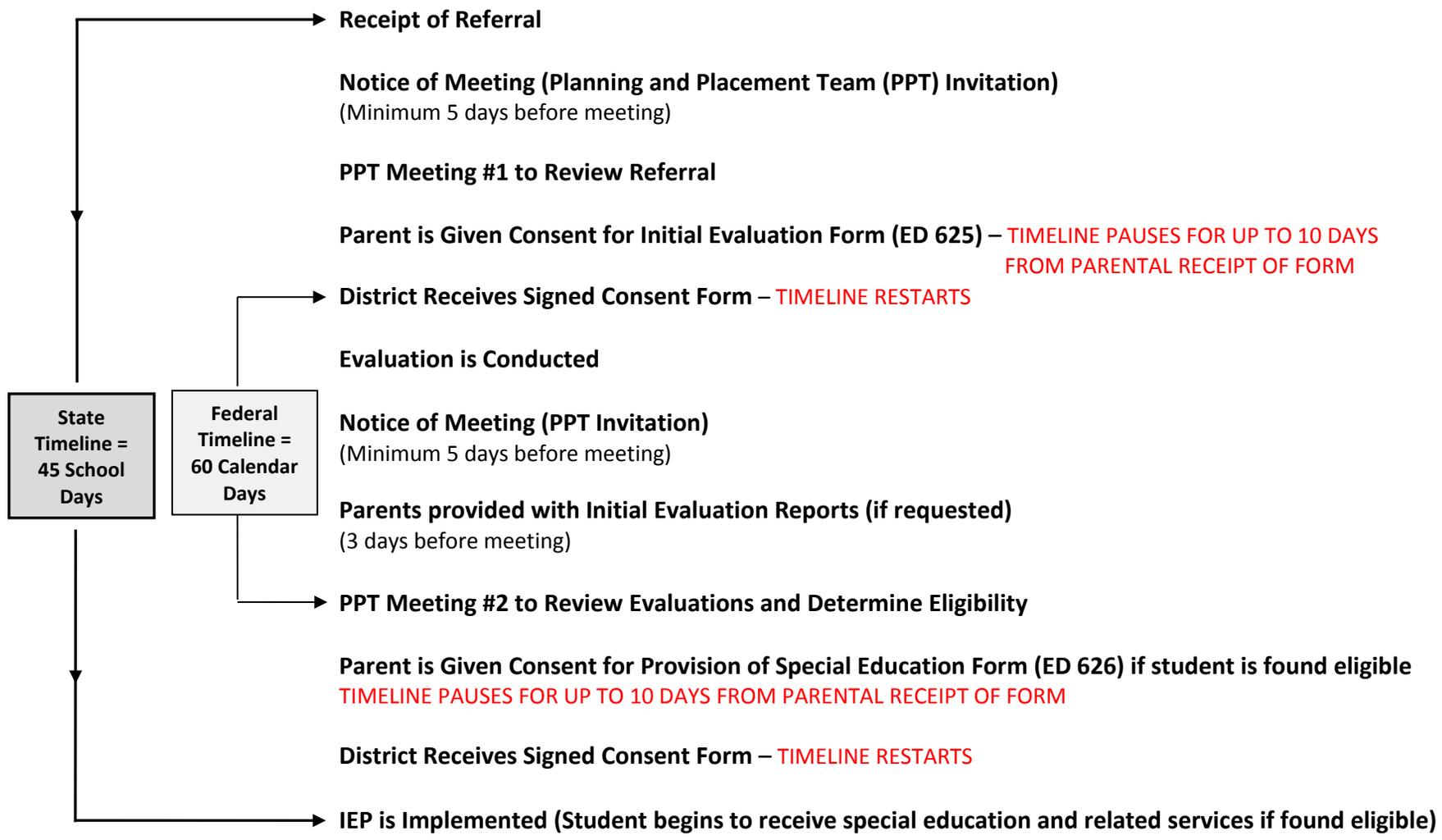
***Technical Assistance***

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>
SPP/APR	James Moriarty	860-713-6946	<a href="mailto:james.moriarty@ct.gov">james.moriarty@ct.gov</a>
Evaluation Timelines Data Collection	Marquelle Middleton	860-713-6877	<a href="mailto:marquelle.middleton@ct.gov">marquelle.middleton@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>

cc: Ellen Cohn, Deputy Commissioner of Education  
Ajit Gopalakrishnan, Chief Performance Officer

# TIMELINES FOR SPECIAL EDUCATION REFERRAL/INITIAL EVALUATION PROCESS



**NOTE:** If a district fails to meet the Federal 60 calendar day timeline but is still within the State 45 school day timeline, the evaluation is considered on time.

