

# INST6.2.2 - Special Education: Identification, Evaluation, and Eligibility

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## I - Instruction

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### IDENTIFICATION, EVALUATION, AND ELIGIBILITY

The District shall ensure that all children residing within the district who have disabilities, regardless of the severity of their disabilities, and who are in need of special education and related services are identified, located, and evaluated. This requirement applies to:

- Homeless children;
- Children who are wards of the state;
- Children attending private schools;
- Highly mobile children (including migrant children); and
- Children who are suspected of needing special education but are advancing from grade to grade.

The District shall conduct timely and meaningful consultations with private school representatives regarding the child find process and the provision of special education and related services to children enrolled in private schools within the District's boundaries. These activities will be similar to those undertaken for public school students and shall be completed in a time frame comparable to that of other students attending District schools.

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered an evaluation for eligibility for special education services.

If a parent submits a written request for a full individual and initial evaluation of a student to the district's special education director or administrative staff, the District shall, within fifteen (15) school days of receiving the request:

1. Provide the parent with prior written notice of its proposal to conduct the evaluation, consistent with 34 C.F.R. 300.503, including a copy of the procedural safeguards notice as required by 34 C.F.R. 300.504, and request written consent for the evaluation; or
2. Provide the parent with prior written notice of its refusal to conduct the evaluation, consistent with 34 C.F.R. 300.503, including a copy of the procedural safeguards notice as required by 34 C.F.R. 300.504.

Before proposing or refusing to initiate the identification, evaluation, educational placement, or provision of a free appropriate public education (FAPE) to a student, the District shall provide written notice to the student's parent or guardian. 20 U.S.C. 1415(b)(3); 34 C.F.R. 300.503(a).

### Evaluation Timeline

The District shall conduct a full individual and initial evaluation before the initial provision of special education and related services, making reasonable efforts to obtain informed parental consent.

If the parent does not provide consent or fails to respond to a request for consent, the District may pursue the evaluation through due process, except where inconsistent with state law. Reasonable efforts to obtain consent shall be made, particularly when the child is a ward of the state and is not residing with their parent.

A full individual evaluation report must be completed within forty-five (45) school days of receiving parental consent. Extensions may be granted for absences of three or more school days within the evaluation period.

For students evaluated close to the end of the school year, deadlines may extend into the summer or the subsequent school term.

### Transfer Students

For children who transfer to the District during the same academic year in which their evaluation was initiated by another district, the District shall coordinate with the prior and current schools to ensure the evaluation is completed expeditiously.

### Independent Educational Evaluation (IEE)

Parents have the right to obtain an independent educational evaluation at public or private expense. The District must consider the results of an independent evaluation, provided it meets District criteria.

If a parent requests an IEE at public expense, the District must, without delay:

1. File a due process complaint to show its evaluation is appropriate; or
2. Provide the IEE at public expense if the District's evaluation is found inappropriate.

### **Reevaluation**

The District shall ensure reevaluations occur no more than once a year, unless agreed otherwise by the parent and the District, and at least once every three (3) years unless the parent and the District agree a reevaluation is unnecessary.

### **Consent**

The District shall obtain informed parental consent before conducting a reevaluation unless it can demonstrate reasonable attempts to secure consent were unsuccessful. Parental consent is also required for the initial provision of special education and related services.

### **End of Services**

If a parent revokes consent for services in writing, the District shall cease services and will not use due process to reinstate services. The District will not be considered in violation of FAPE for discontinuing services at the parent's request.

### **Graduation and Age Limits**

No evaluation is required before terminating a student's eligibility due to graduation or aging out of services, but the District must provide a summary of academic and functional performance.

### **Legal References:**

- 20 U.S.C. 1414
- 20 U.S.C. 1412
- 34 C.F.R. 300