

Timelines

1. What if you receive the prior notice for evaluation at 4:30 or after the school day? What day do you begin counting?

The district needs to document the actual “date” it has received the consent for evaluation. This will be the first day of the 25 school day evaluation timeline.

2. Does the district have to wait five days after receiving consent to evaluate before beginning the evaluation process?

Once the district receives the signed parental consent the district may begin to evaluate immediately.

3. When do the 25 school day evaluation end and the 30 days begin if the 25th day lands on a Friday?

If Friday is the 25th school day, then Saturday starts the 30 calendar day timeline.

4. What happens if the parent signs the prior notice/consent to evaluate a month before he/she returns it?

The 25 school day evaluation timeline begins with the day the consent is received by district staff. The date the prior notice/consent is received in the district must be documented on the prior notice.

5. When does the 30 day timeline begin?

The 30 day timeline to write reports, determine eligibility and develop the IEP begins on the 26th day from receipt of consent by the district to evaluate.

6. Does functional assessment have to occur during the 25 school day evaluation timeline? Can information obtained through CBM, DIBLES AIMSweb, etc. gathered at the beginning of the school year be used as part of a student’s functional assessment if it wasn’t completed in the 25 day timeline?

The prior notice/consent form is the document used to inform parents of what tests will be administered and what tests will be pulled forward. When pulling forward any previous evaluation information document the name of the test and the date it was administered on the prior notice/consent form. However, current functional assessment data in the skill areas affected by the disability must also be gathered in order to develop the students “present” level of academic achievement and functional performance. This must occur during the 25 school day timeline.

7. How does summer affect timelines such as a referral in late May? What happens when a parent makes a referral the last week of school?

These should be rare situations. The timelines do not change. Initial evaluations must be completed within 25 school days after receipt by the district of signed parental consent to evaluate unless other timelines are agreed to by the school administration and the parents. Written evaluation reports, determination of eligibility, and conducting an IEP team meeting must be completed with 30 days from the end of the 25 school day evaluation timeline.

8. How does student attendance affect the evaluation timelines? If student is absent for 5 days within the 25 day evaluation period, can the timeline be extended? If extended, when does the 30 day timeline begin?

In consultation with the parents, the 25 school day evaluation timeline can be extended. The “date” to which the timeline will be extended must be documented. The 30 day timeline would begin the day after the extension date. Caution must be taken when extending the 25 school day timeline for a reevaluation that the annual review date and the 3 year reevaluation date are not exceeded.

9. Any guidelines or laws as to how long you can extend the evaluation timeline?

The regulations do not establish limits for extending the 25 school day timeline. However, in the case of a reevaluation, care must be given not to exceed the annual review date or the 3 year reevaluation date.

10. If the IEP date keeps getting backed up, how does that affect the 3-year reevaluation?

To continue an appropriate sequence of events in the process, reevaluation, eligibility determination and IEP development, it is likely the reevaluation may need to be completed earlier than the established reevaluation date.

11. What date do you use for the 3 year re-evaluation?

The date used for the three year reevaluation date is the date the district determines eligibility or continued eligibility. For the majority of South Dakota Districts, this will also be the date of the IEP meeting. The next three year reevaluation (eligibility determination) will be due three years from this date.

12. Should I change the reevaluation date to align it with the new rules?

The district should use the existing date it has established in the current IEP. Begin the next reevaluation process early enough to determine continued eligibility on or before the current reevaluation date.

13. Does the evaluation and eligibility determination meeting for a student turning 6 years old have to be completed before the student's 6th birthday?

If the student is identified under the category of developmental delay, the evaluation and eligibility determination must be completed prior to the child turning age 6.

14. What should a district/agency do if the child transfers in and an evaluation/reevaluation was started but not completed? What if the 25 school day evaluation timeline has past?

The receiving district/agency needs to document the date when the student entered the district. With parent agreement, extend the 25 school day timeline, if necessary, and complete the remaining evaluations. Copies of the evaluations already administered along with evaluations conducted by the receiving district will be used to determine eligibility and write the IEP.

15. When a student transfers into a new district, is there a specific timeline by which a district must meet to review the IEP?

In consultation with the parents, the district must meet as soon as possible to review the IEP and provide the child with FAPE, comparable services to those described in the child's current IEP or amend the IEP.

16. What should a district do when they cannot get access to a child to conduct an initial evaluation?

Carefully document all attempts the district has made to access the child to conduct the evaluation. With the parents' agreement, the 25 school day evaluation timeline should be extended. Be sure to document the date to which the evaluation is extended.