

Request for Initial Evaluation

A parent, LEA, agency, appropriate professional person, and/or other member of the public may initiate a request for an initial evaluation to determine if a child is a child with a disability.

1. The initial evaluation shall assess the child in all areas of suspected disability to determine whether the child is a child with a disability. The assessment and IEP team meeting must be held within 60 calendar days of receiving parental consent for the evaluation.
2. Exception: The relevant timeframe shall not apply to a LEA if:
 - a. A child enrolls in a school served by the LEA after the relevant timeframe has begun and prior to a determination by the child's previous LEA as to whether the child is a child with a disability but only if the subsequent LEA is making sufficient progress to ensure prompt completion of the evaluation, and the parent and the subsequent LEA agree to a specific time when the evaluation will be completed; or
 - b. The parent of a child repeatedly fails or refuses to produce the child for the evaluation.

Parental Consent for Initial Evaluation

The LEA proposing to conduct an initial evaluation to determine if the child qualifies as a child with a disability shall obtain informed consent from the parent of a child before conducting the evaluation. Parental consent for evaluation shall not be construed as consent for placement for receipt of special education and related services.

Consent for Services: The LEA is responsible for making a free appropriate public education (FAPE) available to a child with a disability and shall seek to obtain informed consent from the parent of a child before providing special education and related services to the child.

Absence of Consent for Initial Evaluation: If the parent of a child does not provide consent for an initial evaluation or the parent fails to respond to a request to provide the consent; the LEA may pursue the initial evaluation through due process.

Absence of Consent for Initial Services: If the parent of a child does not provide consent to the initial provision of services, the LEA shall not provide special education and related to the child by using due process.

Effect on LEA Obligation: If the parent of a child refuses to consent to the receipt of special education and related services, or the parent fails to respond to a request to provide such consent:

- a. The LEA shall not be considered to be in violation of the requirement to make a free appropriate public education to the child for the failure to provide such child with the special education and related services for which the LEA requests such consent; and
- b. The LEA shall not be required to develop an IEP for the special education and related services for which the LEA requests such consent.

If the child is a ward of the State and not residing with the child's parent, the LEA shall make reasonable efforts to obtain such consent from the parent of the child for the initial evaluation to determine whether the child is a child with a disability. (EC 56346).

Reviewed Program Council: 2-21-2020

Approved Superintendents' Council: 2-27-2020