

STATE PERFORMANCE PLAN INDICATOR 11
RESOURCE GUIDE
December 2009

REGULATIONS

34 CFR 300.301 Initial evaluations.

- (a) General
Each public agency must conduct a full and individual initial evaluation, in accordance with §§ 300.305 and 300.306, before the initial provision of special education and related services to a child with a disability under this part.
- (b) Request for initial evaluation
Consistent with the consent requirements in § 300.300, either a parent of a child or a public agency may initiate a request for an initial evaluation to determine if the child is a child with a disability.
- (c) Procedures for initial evaluation
The initial evaluation—
(1)(i) Must be conducted within 60 days of receiving parental consent for the evaluation; or (ii) If the State establishes a timeframe within which the evaluation must be conducted, within that timeframe; and
(2) Must consist of procedures (i) To determine if the child is a child with a disability under § 300.8; and (ii) To determine the educational needs of the child.
- (d) Exception
The timeframe described in paragraph (c)(1) of this section does not apply to a public agency if—
(1) The parent of a child repeatedly fails or refuses to produce the child for the evaluation; or
(2) A child enrolls in a school of another public agency after the relevant timeframe in paragraph (c)(1) of this section has begun, and prior to a determination by the child's previous public agency as to whether the child is a child with a disability under § 300.8.
- (e) The exception in paragraph (d)(2) of this section applies only if the subsequent public agency is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent public agency agree to a specific time when the evaluation will be completed.

FUNDING AND CHILD TRACKING SYSTEM (FACTS) INFORMATION

Indicator 11 measures the percentage of children with initial parental consent to evaluate, who were evaluated and had eligibility determined within 60 school days. A school day is defined as a "Pupil Attendance" day based on the evaluating district's official calendar submitted annually to ISBE. The evaluating district is the resident district of the student at the time of the initial eligibility determination, unless the student has been parentally placed in a non-public school (Fund Code L or P). The evaluating district for students parentally placed in a non-public school (Fund Code L or P) is the district whose boundaries include the area where the non-public school is physically located. Indicator 11 data is required for all student records. FACTS records without Indicator 11 data will result in errors.

AVOIDING AN ERROR

If Indicator 11 data is not provided, one of the following reason codes must be entered to avoid an error:

- 01 - Initial eligibility determination was completed prior to August 1, 2006.
- 02 - Initial eligibility determination completed when child was a resident of another district.
- 03 - The child was referred from the CFC (Child and Family Connections office) and the IEP team determined further evaluation was unnecessary. (This code is only applicable for students transitioning from Early Intervention to Early Childhood Special Education at age 3).

Please note: *Only initial parental consent and eligibility determination dates should be reported. Do not provide re-evaluation dates.*

DETERMINATION AFTER AUGUST 1, 2006

For students who had an initial eligibility determination after August 1, 2006, the following information is required to avoid an error:

- Date initial parental consent for evaluation signed, i.e. the date that the parents sign the consent form.
- Date initial eligibility determination completed, i.e. the date of the eligibility determination meeting.
- Evaluating District, i.e. the resident district of the student at the time of eligibility determination.

EXCEPTIONS TO THE TIMELINE

The Federal Regulations, at 34 CFR 300.301(d) provides two exceptions to the delays identified below with regard to meeting the evaluation timeline.

Code	Definition
01	Parent failure or refusal to produce child for evaluation caused a delay in the eligibility determination timeline
02	The child enrolled in district after parental consent was received in another district, but before eligibility could be determined.

FAILURE TO MEET THE TIMELINE

The following are delays due to the district's failure to meet the 60 school day timeline required by the special education regulations and will be reflected in a district finding.

Code	Definition
03	Lack of Personnel resources to complete the evaluation caused delay.
04	District was unable to ensure that eligibility determination procedures and practices were completed in a timely manner.
05	District failure to complete eligibility determination due to summer break and lack of personnel or resources during the summer.
06	District failure to complete the eligibility determination due to hearing, vision or other medical issues.
07	District failure to complete the eligibility determination due to the parent's unavailability and/or the inability of the parent to attend the initial eligibility determination meeting.
08	Initial eligibility determination timeline is actually within the 60 school day timeline, but appears to be beyond 60 school days due to changes which have not yet been made to the district's official calendar....

Please note: *Per the Illinois School Code (105 ILCS 5/14-8.02), instances when a student is referred for evaluation with fewer than 60 school days left in the school year, the eligibility determination must be made prior to the first day of the following school year. Initial eligibility determinations which are beyond this timeline will also be required to enter one of the reason codes above to avoid an error.*

QUESTIONS TO CONSIDER FOR MEETING THE TIMELINE

Code 01

- ◆ Did you contact the parent through various means to encourage the parent to make the child available for the evaluation process?
- ◆ Did you explain to the parents that, according to State and Federal law, the evaluation and meeting to determine eligibility must be held within 60 days of the initial consent?

Code 02

- ◆ Do you have procedures to address new or transfer students who are in the process of an evaluation from a previous district?
- ◆ Did you expedite the evaluation process when the child was enrolled in your district?

Code 03

- ◆ Did you look at adjusting school personnel and/or responsibilities in order to conduct the evaluations in a timely manner?
- ◆ Did you seek avenues to contract with outside evaluators? Did you look to neighboring public school districts, private contractors and nearby nonpublic special education programs that may be able to assist in evaluations?
- ◆ Did you contact the Illinois Resource Center as a referral source for evaluators proficient in other languages?
- ◆ Have you developed a list of possible outside evaluators to be contacted when the amount of evaluations to be performed is greater than normal?
- ◆ Did you consider allowing the parents to seek outside evaluations that would be reimbursed by the district?

Code 04

- ◆ Have you conducted training for special education personnel, professional and support, to emphasize the importance of the 60 school day timeline for evaluations?
- ◆ Do you have a process to notify administration and staff when evaluations are due each year?
- ◆ Do you have a database system that will track the evaluation process to ensure timeliness?

Code 05

- ◆ Do your practices reflect the law that requires eligibility determinations to be made prior to the first day of the school year, when a student was referred for an evaluation with fewer than 60 school days left in the previous school year?

- ◆ Are you willing to provide compensation to personnel for time used during the summer?
- ◆ Did you prepare early enough in the school year to address evaluations during the summer?

Code 06

- ◆ Did you employ or contract with personnel proficient in assessing students with hearing, vision or medical needs?
- ◆ Did you attempt to assist the parent in obtaining whatever equipment might have been necessary for the child to complete the evaluation?
- ◆ If equipment or services could not be made available, did you consider completing the evaluation for the student anyway? If/when the appropriate equipment or services became available, providing an updated report?
- ◆ Did you use Code 01 for students who were unavailable for evaluation due to severe illness?

Code 07

- ◆ Did you offer to provide transportation or childcare if that was the impediment?
- ◆ Did you offer to hold the meeting at a time more convenient for the parent?
- ◆ Did you explain to the parents that, according to State and Federal law, the meeting must be held within 60 days of the initial consent?
- ◆ Did you consider holding the meeting without the parent in attendance in order to meet the regulatory requirement and reconvene when the parent is available and agrees?

Code 08

- ◆ Have you identified and provided training to personnel responsible for submitting calendar corrections?