



MEMORANDUM

TO: Early Childhood Special Education Coordinators
Directors of Special Education

FROM: Cindy Zumwalt 
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DATE: March 2012

SUBJECT: Initial Evaluations for Special Education and Related Services for
Children Ages Three through Five

The purpose of this memorandum and attached technical assistance document (entitled *Requests for Initial Special Education Evaluations for Children Ages Three-Five*) is to provide clarification regarding the role and responsibilities of local education agencies (LEAs) when receiving requests for initial special education evaluations for children ages three through five. The Illinois State Board of Education (ISBE) seeks to ensure that all districts are aware of and are in compliance with federal and state requirements for timely response to requests for evaluations and subsequent completion of evaluations for students suspected of having a disability under the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. §1400 et seq.).

Federal and state laws mandate procedures that ensure that all students who may be in need of special education services are identified, evaluated, and provided services in a timely manner. Furthermore, the Illinois State Performance Plan includes two indicators which require districts to report on the timeliness of completing the evaluation process: *Indicator 11 – Evaluation* and *Indicator 12 – Transition from Part C to Part B*. The attached technical assistance document addresses required procedures and specific timelines for responding to requests and completing evaluations.

In addition to setting out general procedural requirements and timelines for initial eligibility determinations, this guidance seeks to highlight the importance of timely evaluation of younger students. While timely evaluation is required for students of all ages, timely provision of services for three- through five-year-olds is critical given the developmental needs of students at this age. Thus, LEAs are encouraged to maintain a focus on eligibility procedures for students in this age group.

Please note that this is not a document covering the issue of transition from Part C programs into Part B programs. ISBE has additional resources online covering procedures for screening and evaluating infants and toddlers, which is not the principle focus of this guidance. The following are links to some of our online resources that can answer questions you have about children ages birth to three-years-old:

- http://www.isbe.net/earlychi/pdf/transition_workbook.pdf
(a primer for families on Part C to Part B transition)
- http://www.isbe.net/earlychi/pdf/transition_workbook_sp.pdf
(the Spanish language edition of the document listed just above)
- <http://www.isbe.net/earlychi/html/birth-3.htm>
(a link to the ISBE web resources on birth-to-three programs)
- http://www.isbe.net/spec-ed/pdfs/parent_guide/ch14-early_childhood.pdf
(a link to the ISBE Educational Rights Guide chapter on Early Childhood Education)

It is our intent to provide guidance to both the administrators responsible for overseeing the evaluation process and the professionals working directly to respond to requests and complete evaluations. Please review this correspondence and share with the staff in your local district/joint-agreement.

If you have any questions or need assistance, please contact the Early Childhood Education Division at 217/782-4321 or the Special Education Services Division at 217/782-5589.

Requests for Initial Special Education Evaluations for Children Ages Three through Five (March 2012)

Questions and Answers

Q. 1 Are districts required to have procedures for receiving special education evaluation requests for children ages three through five years?

A. Yes. Illinois school districts must have procedures for receiving requests for special education evaluations for children ages three through 21 years and must make the procedures known to all concerned persons (e.g., parents, guardians, educators, local agencies). See 34 CFR 300.111 and 23 IAC 226.110(a)(1-5).*

The procedures must:

1. Designate the steps to be taken in making a request for an evaluation (e.g., written or verbal).
2. Designate the persons to whom a request may be made (e.g., principal, teacher, program coordinator).
3. Identify the information that must be provided (e.g., student name, summary of problem, type of evaluation requested).
4. Provide any assistance that may be necessary to enable the person requesting the evaluation to meet any related requirements established by the district (e.g., explanation of types of evaluations).
5. Identify the process for providing the parents/guardians with notice of their rights with respect to procedural safeguards (i.e., parents and guardians **shall** be provided a copy of the Explanation of Procedural Safeguards (ISBE 34-57J) and the district procedures must identify the person(s)/position responsible for providing the rights to the parents and guardians.)

Again, the district must make the procedures known to all concerned persons. Staff members must be aware of the procedures, and the procedures must be readily available for parents, guardians, educators, and local agencies dealing with students within the

* Please note that the obligation to evaluate also includes children who are approaching their third birthday. See 34 CFR 300.323. The discussion throughout this guidance document also pertains to children who are two years of age, but who will be turning three within 60 school days or less.

district. Districts can use a variety of sources to make the procedures known to all staff (e.g., new employee training, yearly updates, memoranda, in-services) and other concerned persons (e.g., information in student handbooks and on the district website, flyers sent to parents/guardians and agencies).

Q. 2 Must districts use screening procedures?

A. Yes. As a requirement to fulfill child find responsibilities, school districts must provide an annual screening of children under the age of five for the purpose of identifying those who may need early intervention or special education and related services [Section 226.100(a)(1)]. The requirement for annual screening does not relieve the district of any responsibility for screening requests received at other times of the year. For example, if a district conducts annual preschool screenings in April each year and a parent/guardian requests a screening in October, the district cannot make the parent/guardian wait until the next April for a screening. The district must have procedures in place to conduct screenings beyond the required annual screening.

Screening procedures are not the equivalent of a full individual evaluation of a student's educational or developmental needs.

Screening tools and procedures are designed to identify children who may be at risk of experiencing developmental or learning difficulties, either now or in the future. The feedback from screenings helps to inform school or early childhood personnel of children who might be candidates for a full individual evaluation, but does not actually determine whether a disability exists that requires the support of special education services.

Examples of evaluation tools used in a full individual evaluation can include full psychological evaluations, social assessment, or comprehensive speech evaluations. Evaluation instruments such as these inform school and early childhood personnel whether there is sufficient evidence of a learning or developmental difficulty that requires the team to develop an IEP.

Q. 3 Who can request a special education evaluation for a child age three through five?

A. A parent or guardian of the child, an employee of the Illinois State Board of Education, another state agency, a local educational agency, or a community agency (e.g., Head Start) may request a special education evaluation. See 34 CFR 300.301(b) and 23 IAC 226.110(b).

Q. 4 What constitutes a request for a special education evaluation? Do special considerations exist for children ages three through five?

A. A request for a special education evaluation occurs when a parent or other individual/entity identified in 23 IAC 226.110(b) (see Q.3 above) requests an evaluation to determine if the student has a disability and would qualify for special education and related services under the Individuals with Disabilities Education Act (IDEA). Requests for evaluations may be made verbally or in written form. If a district develops its own procedures for requesting an evaluation (as permitted under 23 IAC 226.110), then the district must have procedures in place for notifying the requesting party of this requirement and providing any required assistance in completing the written request for an evaluation. The district must ensure that staff members are aware of the procedures and any additional timelines that apply.

Types of requests:

Parental Requests

While the evaluation requirements are the same for all students ages three through 21, districts should be mindful that, with children ages three through five, this may be the parents' or guardians' first encounter with a public school district. Parents/guardians of young children may not be familiar with the services available through the district and may not be specific in requesting assistance or an evaluation for their child. A district staff member can discuss the concerns with the parent/guardian to determine exactly what type of assistance or evaluation the parent/guardian is seeking. The staff member can then direct the parent/guardian to the correct avenue (e.g., preschool screening, special education evaluation). It is important to note that if, after an explanation of available options, the parent/guardian states that he/she is seeking a special education evaluation, the district must follow the procedures for determining whether to conduct or not conduct a special education evaluation regardless of other available interventions (23 IAC 226.130) (see Q.6 below).

Educator/School Requests

A referral for a child ages three through five may occur as part of the district's child find screenings. In such cases, the district would initiate the referral process. It would be the district's responsibility to notify the parents/guardians of the process and explain their parental rights, including providing the parents/guardians with a copy of the Explanation of Procedural Safeguards.

Requests Originating from External Agencies

Local community agencies, state agencies and/or Head Start programs which work with students within the district can request special education evaluations.

Q. 5 Where can parents or guardians of preschool age children request a special education evaluation?

A. The parents/guardians of preschool age children should contact the local school district of residence. The responsibility for conducting special education evaluations of preschool age children is placed on the school district of residency. As such, districts can require parents/guardians to provide proof of residency (e.g., a billing statement with an address). The designated contact for parents/guardians can vary from district to district (e.g., a principal, director of special education, early childhood coordinator). It is important that district staff members are aware of the evaluation procedures and the district's designated staff member in order to properly direct parental requests. The district contact(s) should be trained and knowledgeable in the variety of screenings and services for young children and be able to explain fully all options and to differentiate between requests for screening and requests for special education evaluations (23 IAC 226.260).

Q. 6 What must a district do upon receiving a request for a special education evaluation for a child ages three through five?

A. Within 14 school days after receiving a request for an evaluation, the district must determine whether an evaluation is warranted [23 IAC 226.110(c)(3)]. If a district determines an evaluation is warranted, the district shall notify the parent/guardian using the *Parent/Guardian Notification of Decision Regarding a Request for an Evaluation* (ISBE 34-57A).

Decision to Conduct an Evaluation 23 IAC 226.110(c)(3)(A-C)

The district shall convene a team of individuals, including the parent/guardian, who have the knowledge and skills necessary to administer and interpret evaluation data. The composition of the team will vary, based on the individual students being evaluated and the symptoms/relevant factors of each student.

The team shall review the following eight domains and determine what assessments, if any, are required for each domain: (1) academic achievement, (2) functional performance, (3) cognitive functioning, (4) communication status, (5) health, (6) hearing/vision, (7) motor abilities, and (8) social/emotional status. Upon completion of the domain review, the district shall provide written notice to the parents/guardians identifying needed assessments and for any domains in which assessments are not needed, explaining why no assessments are needed. The notice should indicate what type of assessment(s) will be completed (e.g., achievement/aptitude assessment, physical therapy assessment), but does not need to be so detailed as to identify the specific assessment tool(s) that will be used and the individual who will administer the assessment.

A team determination must be completed and a notice/request for consent provided to the parents/guardians within **14 school days** of the request for an evaluation. The district

shall use the *Parent/Guardian Consent Evaluation* form (ISBE 34-57B/C) to provide notice of assessment determinations to the parents/guardians, along with the request for parent/guardian consent for evaluation form (ISBE 34-57B).

Decision Not to Conduct an Evaluation 23 IAC 226.110(c)(3)

The district may also determine that an evaluation will not be conducted. In that case, the district must, within **14 school days** from receiving the request, provide written notice to the parents/guardians of that decision, along with the reasons that the evaluation will not be conducted. The district shall use the *Parent/Guardian Notification of Decision Regarding a Request for an Evaluation* form (ISBE 34-57A).

Q. 7 What information/data can a district review in determining whether or not to conduct an evaluation?

A. The information reviewed will vary depending on each child and the information that is available at the time of the request for an evaluation. Districts can review a variety of information provided by parents/guardians, district staff, private/home school staff, and early intervention or preschool providers. The information reviewed can include the following information/data sources:

- Information provided by parents/guardians regarding the child's educational progress, development, and suspected disability
- Attendance records (if appropriate)
- Assessment data
- Screening data
 - Ongoing performance/progress review by teachers/professionals, including teacher observations
 - Birth through age five screening
 - Hearing/vision screening data
- Reports from outside evaluations or service providers

Q. 8 What is the timeline for completing the evaluation for children ages three through five?

A. **The timeline for completing a special education evaluation and developing the IEP** for an eligible student is **60 school days** from the date that written parent/guardian consent is obtained. For the purpose of a special education evaluation, written parental consent must be a signed copy of the *Parent/Guardian Consent for Initial Evaluation* form (ISBE 34-57B). When obtaining parent/guardian consent, the district must explain the parents'/guardians' rights and provide the parents/guardians with a copy of the *Explanation of Procedural Safeguards* (ISBE 34-57J). See 23 IAC 226.110(d).

Examples of Evaluation Procedures:

Example 1: District Determination to Proceed with an Evaluation

Over the last several months, Mr. and Mrs. Smith have noted that their four-year-old son has shown continued difficulties with his speech patterns. On April 14, Mrs. Smith places a call to special education coordinator in the local school district. She describes the problems she has observed to the coordinator and asks whether her son can be evaluated. Based upon the oral request, it is recommended that the district confirm Mrs. Smith's request in writing to document the referral. In addition, within 14 school days of that April 14 request, the district must determine whether there is a basis for proceeding with a full individual evaluation of the child to determine the child's eligibility for special education services. If it is determined by the district that there is sufficient basis to proceed with the evaluation, the district must also convene a meeting (with the parent's/guardian's input) of district personnel qualified to perform the evaluation components of the evaluation (i.e., the evaluation domains) to determine the scope of the evaluation. The district should then promptly furnish Mrs. Smith with a written description of the proposed evaluation, a copy of the necessary form (ISBE Form 34-57B) by which Mr. and Mrs. Smith can provide their written consent for the evaluation, and a copy of the current procedural safeguards.

Example 2: District Decision Not to Proceed with an Evaluation

Mr. and Mrs. Smith have noted periodic problems with the speech patterns of their four-year-old son. On this basis, Mrs. Smith contacts the district's special education coordinator and shares her observations with the coordinator. On April 14, Mrs. Smith also asks if the district would be willing to evaluate her son. After confirming Mrs. Smith's request in writing, the district schedules a meeting, with Mrs. Smith's participation, on April 28 (within 14 school days of the date of Mrs. Smith's initial request). At the meeting, several knowledgeable professionals review available data and information on Mrs. Smith's son, including Mrs. Smith's observations about her son. At the conclusion of the discussion, district personnel share their consensus decision that there is not a sufficient basis to proceed with an evaluation at the present time. The district should immediately complete ISBE Form 34-57A stating its decision not to proceed with the evaluation and the reasons for the decision. The district should also provide the parents with a copy of the current procedural safeguards, which will advise the parents of their right to pursue a complaint or due process hearing request if they are in disagreement with the district's decision.

Example 3: Parent Refusal to Consent to an Evaluation

A Head Start teacher notices that the four-year-old son of Mr. and Mrs. Smith has demonstrated problems with his speech. After informing Mr. and Mrs. Smith of his observations, the teacher contacts the district's special education coordinator to make a referral for an evaluation. The district schedules a meeting within 14 school days of the Head Start teacher's request to consider whether to proceed with an evaluation and invites the parents to attend. The parents choose to

forego the meeting. At the meeting, the district decides that an evaluation is warranted. The district notifies the parents in writing of its conclusions and provides the parents with a consent form to proceed with the evaluation, along with a copy of the current procedural safeguards. Shortly after receiving the notice, Mrs. Smith calls the special education coordinator and informs the coordinator that she does not believe that her son requires special support and will not agree to have him evaluated. The district, at this point, has several options:

- 1) Schedule a meeting with the Smiths to discuss their concerns and attempt to persuade them to change their minds.
- 2) Contact the Smiths and ISBE to arrange for a State-appointed mediator to be assigned to the matter to resolve the issue.
- 3) Attempt to override the Smiths' refusal by requesting a due process hearing and seeking a hearing officer's order to proceed with the evaluation.*
- 4) Choose to take no further steps on the matter, being mindful that further information and data may require them to attempt another evaluation in the future.

* The District's right to request a due process hearing extends only to parental refusal to consent to the evaluation. The situation is different when the parent refuses to give consent for the actual provision of services and placement of the child in special education. In these cases, the district cannot file for due process and must honor the parent's refusal to place the child in a special education program.

Tips for Avoiding Delays in Special Education Evaluations	
<p>The district is responsible for completing the special education referral and evaluation process within state and federal timelines. These suggestions are provided to help districts and parents/guardians complete the special education referral and evaluation process within the required timelines.</p>	
School Districts	Parents/Guardians
<ul style="list-style-type: none"> • Be respectful of the parent/guardian responsibility to make informed decisions for their children. • Make sure that all staff members are aware of the referral and evaluation process and have access to the written policies (i.e., handbooks, website postings, etc.). When updating the evaluation policies/procedures, provide notice to all staff and include the information in orientation materials for new staff members. • Offer the parents/guardians more than one option (date/time) for the domain meeting. • Parents/guardians will be more likely to sign consent at the domain meeting if they are active participants in the decisions and understand the scope of the evaluation that will be conducted. 	<ul style="list-style-type: none"> • Be aware and respectful of district responsibilities to meet evaluation timelines. • When making a referral, ask questions to be certain that you understand the process that will occur. • Attend the domain meeting and seek clarification for any area that you do not fully understand. • Sign the consent form at the domain meeting and keep a copy of the signed/dated consent form for your records, if you are comfortable with the decision regarding each domain and the data needed. • If unable to attend and participate in the domain meeting, review the consent form and return the signed copy to the district in a timely manner.

<ul style="list-style-type: none"> ○ Encourage parents to ask questions. ○ Give the parents time to provide comments/concerns and respond to questions. ○ Take time to explain and/or have acronym lists on hand as parents may not be familiar with all of the education acronyms and terms. ○ Paraphrase and restate to ensure parental understanding. ● If the parent/guardian cannot attend or chooses to take the consent form home for further consideration, explain the 14 school day timeline and follow up with telephone calls, emails, or notes. ● When the parent/guardian furnishes the consent, notify the parent by email or other written correspondence to document date of receipt of the signed consent form. Make sure to track all timelines in order to ensure that you will be able to complete the evaluation, eligibility conference and the IEP within required timelines. ● Schedule the evaluations with sufficient time to complete all components and convene an IEP meeting within 60 school days of obtaining consent. 	<ul style="list-style-type: none"> ○ If possible provide the consent form in person. ○ Whether providing the consent form in person or sending, you can request dated confirmation that the consent form was received. ● Make the child available for evaluations.
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Resources		
Initial Special Education Evaluation		
	Timelines	Applicable Regulations/Statutes
Child Find Activities	Ongoing	34 CFR 300.111 23 IAC 226.100
Screenings of children under the age of five	Annually – at a minimum	23 IAC 226.100(a)(1-3)
Evaluation Procedures	Timelines delineated in relevant sections	34 CFR 300.300 – 300.311 23 IAC 226.110 105 ILCS 5/14-8.02
Response to a Request for a Special Education Evaluation A. Team determination B. Domain review and identification C. Notice and consent provided to parent/guardian	14 school days from the receipt of the request	23 IAC 226.110(c)(3)(A-C)
Completion of a special education	60 school days from obtaining	34 CFR 300.301

evaluation	written parent/guardian consent (includes completion of evaluation and development of IEP for eligible student)	23 IAC 226.110(d)
Requests for special education evaluations with fewer than 60 school days remaining in the school year	Evaluation completed and an IEP for an eligible student in place at least one day prior to the next school year.	105 ILCS 5/14-8.02(b) 23 IAC 226.260(b)