



Individuals with Disabilities Education Act (IDEA)

IDEA Initial Evaluation Timelines



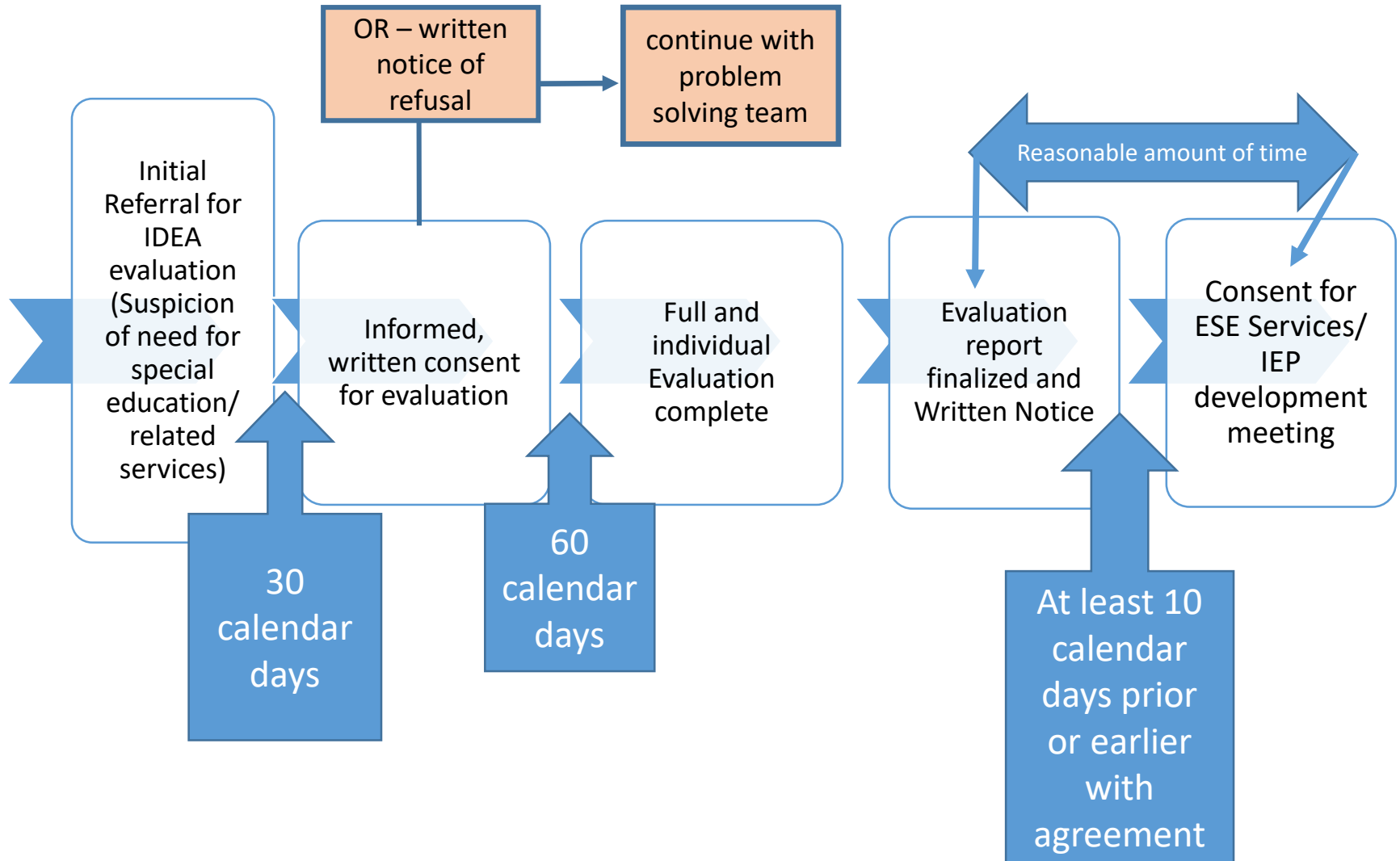
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What does Federal Law say?

- Section 300.301(f) of Title 34 of the Code of Federal Regulations (C.F.R.) indicates that initial evaluations for students suspected of having a disability as outlined in IDEA, “must be conducted within 60 days of receiving parental consent for the evaluation; or if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe...”
- Other useful guidance (please note that contact for this technical assistance paper is now Jesus.Aviles@fldoe.org): <https://info.fldoe.org/docushare/dsweb/Get/Document-7505/dps-2015-152.pdf>

IDEA Initial Evaluation Timeline



Written Notice of Refusal must include:

- [\(1\)](#) A description of the action proposed or refused by the agency/district;
- [\(2\)](#) An explanation of why the district proposes or refuses to take the action;
- [\(3\)](#) A description of each evaluation procedure, assessment, record, or report used as a basis for the proposed or refused action;
- [\(4\)](#) A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;
- [\(5\)](#) Sources for parents to contact to obtain assistance in understanding;
- [\(6\)](#) A description of other options that the IEP Team considered and the reasons why those options were rejected; and
- [\(7\)](#) A description of other factors that are relevant to the district's proposal or refusal.

The following shall not be counted toward the 60-calendar-day requirement:

- All school holidays and Thanksgiving, winter and spring breaks as adopted by the district school board as required by Rule 6A-10.019, F.A.C.;
- The summer vacation period beginning the day after the last day of school for students and ending on the first day of school for students in accordance with the calendar adopted by the district school board as required by Rule 6A-10.019, F.A.C. However, the school district is not prohibited from conducting evaluations during the summer vacation period; and
- In the circumstance when a student is absent for more than eight school days in the 60-calendar-day period, the student's absences (i.e., those absences beyond the first eight school-day absences) shall not be counted toward the 60-calendar-day requirement.

The 60-day timeline for evaluation does not apply if any of the following occurs:

- The parent or legal guardian repeatedly fails or refuses to produce the student for the evaluation;
- The student enrolls in a school served by the school district after the timeline has begun and prior to an eligibility determination by the previous school district, as long as the current school district is making sufficient progress to ensure a prompt completion of the evaluation, and the parent or legal guardian agrees to a specific timeline for completion; or
- For a student suspected of having a specific learning disability, the student's parent or legal guardian and a group of qualified professionals **agree in writing** to extend the timeline. (Rule 6A-6.03018(3)(b), F.A.C.)
- Out of state transfer students and students being considered for gifted only.

Department of Education Order 2020-EO-02

- As part of this order, the following guidance was given relevant to Florida Rule 6A-6.0331 of the Florida Administrative Code:

“Rule 6A-6.0331 , F.A.C., is suspended, subject to federal approval of the flexibility, to extend initial eligibility evaluations of an Exceptional Student Education (ESE) student for the number of days that spring break was extended due to the emergency or until portions of the evaluation that require face to face assessment can be completed.”

IDEA Initial Evaluation Considerations:

- For initial evaluations in progress during this time and for which the district had appropriate consent, the timeline may be extended based on the additional number of days the district was closed due to the extension of spring break per FDOE Order EO-02.
- Districts that moved their Fall start date back can extend the timeline until that new start date.*
- The district should make **all reasonable efforts to administer all assessments within the 60-day timeline** once appropriate consent for evaluation has been received.

Reporting Guidance for Evaluations:

- The “evaluation completion date” is defined in the [Database Manual](#) for the Automated Student Information System as “the date all applicable initial evaluation procedures prescribed in Rules 6A-6.03011 through 6A-6.03019 and 6A-6.03020, 6A-6.03022, 6.03027, 6A-6.03030 and 6A-6.03031, F.A.C., are completed for the purpose of determining a student’s initial eligibility for exceptional student education.”
- For most students, this will be the date of the last standardized norm-referenced assessment, observation, progress monitoring data collection or other evaluation procedure. However, **if the team determined that existing data were sufficient to establish disability and educational need without conducting further evaluation procedures, the evaluation completion date is the date that decision was made.**

What if the IEP team determines a portion of the evaluation cannot be performed?

- The district should document the following:
 - ALL details that formed the basis of this determination (e.g., individual student need, individual student circumstance, suspected area of disability, required domain of functioning in need of assessing, evaluation tool requirements and limitations, parent decision or consent to wait for face-to-face assessment option)
 - Name and type of assessment that was determined by the IEP team to need face-to-face administration and those performed virtually
 - Remote assessment or alternative evaluation options available that were considered (include the rationale that deemed them inappropriate)
- This documentation should be retained with the psycho-education evaluation.
- Note that no federal waiver of IDEA has been granted and any extension not meeting the requirements of slides **5** and **6** may be considered outside the required timeline.

If agreement cannot be reached between parents and the IEP team?

- Per [USDOE OSEP's Q&A released June 30](#): “The Department believes that it would be appropriate to consider factors such as the closure of public and school buildings and facilities, social distancing, and other health-related orders during the pandemic in determining what constitutes a reasonable time... Nevertheless, public agencies **[school districts] should make every effort to ensure that written notice is provided as soon as possible prior to the proposed or refused action.**”
- Ensure the written notice meets all the requirements of 34 C.F.R. § 300.503 and Florida Rule 6A-6.0331, F.A.C.



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