

# Special Education Evaluation Timelines

If you think your child may have a disability and needs special education or related services to be involved in and make progress in school, then an evaluation for special education eligibility may be appropriate. As a parent or guardian, you have the right to request that your child's school conduct an evaluation to determine if your child is eligible to receive special education services at any time. This evaluation is known as Full, Individual and Initial Evaluation (FIIIE).

To request an evaluation to determine if your child is eligible for special education, you should submit a written request to your child's school. If your child is pre-school age and not enrolled in school yet, direct the letter to the School District's Special Education Director. Otherwise, address the letter to your School's Principal.

The written request will trigger specific timelines that the school must follow. One way to remember these timelines is 15 – 45 – 30.

- The school has **15 school days** to provide parents with Prior Written Notice of their decision of whether or not to do an evaluation. Parents must be given this notice at least 5 school days in advance of the action that the school proposes or refuses to take. After receiving the written request for evaluation, the school must provide parents a notice of their Procedural Safeguards that explains their rights under the law. If the district agrees to do an FIIIE, the parents must sign the school district's consent form in order for the evaluation process to proceed.
- The school district has **45 school days** to conduct the evaluation after receiving a parent's written consent for the initial evaluation.
- The school has **30 calendar days** after completing the evaluation to hold an ARD meeting to review the results of the evaluation, determine eligibility, and develop an IEP if a child is found eligible for services. The IEP is implemented 5 school days after the ARD meeting, unless the parent consents to implementing it sooner.

**School days do not include any day that a student is not in school**, such as: weekends, student holidays, staff development days, spring break, winter break, or summer break.

If a student is absent more than three (3) days after the consent for evaluation



## Resources for Families

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## Partners Resource Network

 Offices in Lubbock, Houston, Austin, El Paso, and Dallas/Fort Worth

 1.800.866.4726

 [info@prntexas.org](mailto:info@prntexas.org)

 [prntexas.org](http://prntexas.org)



is signed, the school district may extend the 45 school day timeline by the number of absences. The extension for absences does not apply for children under 5 years of age, children not enrolled in school, or any student enrolled in a private or home school setting.

## Special Note about Evaluation Requests at the End of a School Year

It is important for parents to request an evaluation as soon as they suspect their child may have a disability and require special education services, because if an evaluation is requested late in a school year, you may have to wait until the beginning of the next school year for the evaluation to be completed. However, if the evaluation is almost completed before the school year ends, the school district may be required to complete the evaluation and provide you with the report during the summer break.

If a parent provides the school with written consent for the evaluation less than **45 school days**, but at least **35 school days** before the last instructional day of the school year, the evaluation must be completed and the report provided to the parent by **June 30th** of that school year. Then, not later than the **15th school day** of the following school year, the ARD meeting to review the results of the evaluation and determine eligibility must be conducted.

## Once Every 3 Years

The ARD committee must review existing evaluation data and parent input to determine if a reevaluation should be conducted. The review and any reevaluation must be completed within 3 years of the previous evaluation. If the school district believes that a reevaluation is not needed, but the parent requests the testing, the district must comply. If additional testing or a reevaluation is to be done sooner than 3 years, the ARD committee determines the timeline for this testing.

The school must take steps to ensure that parents are present at each ARD meeting or are afforded the opportunity to participate, including notifying them of the meeting early enough to ensure that they will have an opportunity to attend and scheduling the meeting at a mutually agreed upon time and place. The school must allow parents who cannot attend to participate in the meeting through other methods such as telephone calls or video conferencing. Written notice of the meeting must be provided at least five school days before the meeting, unless the parents agree to a shorter timeframe.

*Adapted from information from Disability Rights Texas, [www.disabilityrightstx.org](http://www.disabilityrightstx.org).*



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