

TOPIC: Evaluation -- Initial Evaluation for Child Referred at Age Three

“When a 3-year old child is referred to Part B in May or June for an evaluation to determine eligibility for special education and related services, can we wait to evaluate until the school year begins or does the clock start ticking as soon as the referral comes in?”

When a 3-year-old child is referred in May or June for an initial evaluation to determine eligibility for special education and related services under Part B, the clock starts ticking. The child’s MDT must be completed within 45 school days from the date of written parent consent for initial evaluation, and the IEP developed within 30 calendar days after the MDT is completed.

92 NAC 009.04 Procedural Timelines

009.04A1 states: Referral, notice to parents and parental consent, shall be completed within a reasonable period of time. The initial multidisciplinary team evaluation shall be completed within 45 school days of receiving parental consent for the evaluation.

009.04A2 states: Upon completion of a multidisciplinary team verification decision, school districts or approved cooperatives shall provide a reasonable notification and conduct an individualized education program conference within 30 calendar days.

009.04A3 states: As soon as possible following development of the IEP, special education and related services must be made available to the child in accordance with the child’s IEP.

For example, if a child is referred on May 15 for an MDT evaluation to determine eligibility, the 45 school day clock starts ticking. If the school year ends on June 1, twelve school days have elapsed. That leaves 33 school days to complete the child’s MDT. If school resumes on August 15, the MDT would need to be completed 33 school days later, or by about October 2. The child’s IEP meeting would need to be completed within 30 calendar days following, or by November 1.