

Summer referral for Part B

Districts are required to have established child find procedures that are included in the district's TSES.

School districts shall develop systems designed to identify pupils with disabilities beginning at birth, pupils with disabilities attending public and nonpublic school, and pupils with disabilities who are of school age and are not attending any school. The district's identification system shall be developed according to the requirement of nondiscrimination and included in the district's total special education system plan. Minn.R. 3525.0750.

Minnesota has a mandated referral process. Referral of children who may need special education and related services is a year round requirement.

Local health, education and social service agencies must refer children under age five who are known to need or suspected of needing special instruction and services to the school district. Minn.Stat. 125A.03

While the term "referral" is not defined in Part B, it is used in Part B and its implementing regulations. When the public agency under Part B is notified that a child is potentially eligible under Part B requirements at 34 C.F.R. 300.8, whether such notification is from Part C, from a child's teacher, from a parent or from any other source, the Part B public agency has an obligation under 34 CFR 300.111 to evaluate the child if the Part B public agency suspects the child may have a disability. "Referral" is a term commonly used in the education community for such notification and distinguishes it, for Part B purposes, from the receipt of written, informed parental consent for evaluation which triggers the 60-day evaluation timeline under 34 CFR 300.301(c)(1)(i). *Letter to Hutton and East*

A district is required to hold a transition conference not less than 90 days before a child, being served under Part C, is eligible for preschool services for any child who may be eligible for Part B services. Therefore, the lead agency is required to make a determination if the child is potentially eligible for Part B services in order to determine for which children the lead agency is required to hold those transition conferences that must be conducted not later than 90 days prior to the child's third birthday. 34 CFR 303.344(h). If the district makes a determination that the child is potentially eligible, the district would have to initiate an initial evaluation under its child find requirements.

Upon initial referral, districts must provide a parent with a copy of the procedural safeguard notice.

A copy of the procedural notice must be given to a parent upon initial referral or parent request for an evaluation. 34 CFR 300.504 (a)(1).

Either a parent of a child or a public agency may initiate a request for an initial evaluation. 34 C.F.R. 300.301(b).

Districts must ensure that the timeframe from referral to initial provision of services is a reasonable time.

Although IDEA does not prescribe a specific timeframe from referral for evaluation to parent consent, it has been the Department's longstanding policy that the LEA must seek parental consent ***within a reasonable period of time*** after the referral for evaluation, if the LEA agrees that an initial evaluation is needed. *Letter to Brekken*

Under federal regulations the initial evaluation must be conducted within 60 days of receiving parental consent for the evaluation or within state established timeline. 34 C.F.R. 300.301(c). Minnesota has established that the team shall conduct an evaluation for special education purposes ***within a reasonable time*** not to exceed 30 school days from the date the district receives parental permission... Minn.R. 3525.2550. School day means any day, including a partial day that children are in attendance at school for instructional purposes. 34 CFR 300.11 [discussion point – is it ever ok to exceed the 60 calendar days set out in IDEA?]

A determination as to what constitutes “reasonable time” must be made on a case by case basis. *Letter to Saperstone*

The meeting to develop an initial IEP must be held within 30 calendar days from the date the child is determined eligible for special education and related services. Special education and related services in accordance with the agreed upon IEP must be made available as soon as possible after developing the initial IEP. 34 CFR 300.323(c).

At the beginning of each school year, each public agency must have in effect, for each child with a disability within its jurisdiction, an IEP, as defined in 300.320. 34 CFR 300.323(a).