

January 31, 2020



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SDE Issues Revised Guidance on Initial Evaluation Timelines: Federal Timeline Will No Longer Be Applicable Beginning 2020-2021

On January 23, 2020, the Connecticut State Department of Education (“SDE”) issued updated guidance on the timeline for initial special education evaluations (available at: <https://portal.ct.gov/-/media/SDE/Special-Education/Timeline-for-Initial-Evaluation-Memo.pdf?la=en>). This new guidance replaces SDE’s December 21, 2018 guidance on that same topic, which is now rescinded. In its new guidance, SDE notifies stakeholders that Connecticut will no longer use the federal 60 calendar day timeline for initial evaluations, effective with the start of the 2020-2021 school year. Rather, Connecticut school districts must adhere solely to the 45 school day timeline as provided in state special education regulations. Previously, school districts were deemed in compliance by SDE if they used either the state or federal timeline.

The state’s 45 school day timeline, codified at Conn. Agencies Regs. § 10-76d-13, requires that a school district must implement an individualized education program (“IEP”), for a student who is found eligible for special education and related services, within 45 school days of the student’s referral to a planning and placement team (“PPT”), excluding the time required to obtain parental consent for the evaluation.

The new SDE guidance clarifies that this 45-day timeline for implementation of the IEP pauses for up to 10 school days each (1) between the time the parents are provided the initial evaluation consent form and the time the parent provides written consent for the evaluation, and (2) between the time the parents are provided the consent for the provision of special education services and the time the parent provides written consent.

The SDE guidance also provides various scenarios to explain the timelines.

1. When a school district receives a referral for special education during the school year, it must implement the student’s IEP within 45 school days of a referral (excluding the time it takes to obtain written parental consent to conduct the initial evaluation or to begin providing special education). The guidance also notes that under Connecticut’s regulation, the timeline for implementation of an IEP must occur within 60 school days of the PPT referral in cases where a student’s IEP requires an out-of-district or private placement (excluding the time it takes to obtain written parental consent).
2. When a school district receives a referral for special education at the end of the school year, SDE “strongly encourage[s] districts to complete the initial evaluation as soon as possible.” Nevertheless, the guidance acknowledges that a “district may complete the evaluation at the beginning of the next school year provided that it adheres to the State’s 45 school day timeline. Notably, the guidance states that “the lack of staff or student availability during the summer months may prevent the evaluation from being completed sooner.”



3. When a district receives a referral for special education between school years, the date of the referral may be deemed to be the first school day of the next school year. In such cases, the district would have 45 school days from the first school day of the next school year to meet the 45 school day timeline.
4. When a district receives notice from the Connecticut Office of Early Childhood about a child enrolled in Birth to Three who either resides in district or has a “nexus” with the district, the district should consider such notice as an official referral and should start the referral process immediately. The guidance notes that written parental consent for an initial evaluation is still required even if the PPT uses available evaluations from the Birth to Three system to determine the student’s eligibility for special education and related services. In addition, the guidance reminds districts that an eligible student must have an IEP in place by the student’s third birthday.

The guidance further clarifies that the state 45 school day timeline begins after the district receives a completed and signed PPT referral form or a written referral. SDE suggests that, if a parent/guardian informs a staff member verbally that the parent/guardian believes the child may have a disability or need special education services, the staff member should direct the parent/guardian to put his/her concerns in writing (or provide accommodations for a parent/guardians who cannot put their concerns in writing), and the district must accept that writing as a PPT referral.

Special education administrators and staff responsible for conducting or overseeing the completion of initial evaluations are encouraged to read this new guidance, which also contains important information about reporting requirements and a helpful flowchart. While the guidance generally summarizes existing legal requirements, it may be a helpful resource for quick reference or to help explain the initial evaluation timelines and process to parents/guardians.

Questions or Assistance:

For questions about this new SDE guidance or initial evaluation timelines, contact Peter J. Maher at 860-251-5507 or pmaher@goodwin.com.

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