

Tips from the Special Education Division: Timelines

Question: What are the guidelines and requirements for timelines associated with referral, parent consent, and initial evaluation?

Answer:

The updated Rules for the Provision of Special Education Services (WAC Chapter 392A-172A) has led to some questions about the accurate counting of days for timelines associated with a referral, parent consent, and initial evaluation timelines. The following are some guidelines to assist school districts with timelines and requirements under WAC [Section 392-172A-03005](#).

Documenting Referrals for an Initial Evaluation

School districts must have child find procedures to locate, identify, and evaluate students between the ages of 3 to 21 who are suspected of having a disability and may be eligible for special education and related services. Parents/guardians, family members, school district staff, other agency staff, and/or any other individual with knowledge about the student may make a referral requesting that a student be evaluated to determine eligibility for special education services. School districts must document any referral (i.e., request for an initial evaluation) and include the date the request is received. OSPI believes best practice is for school districts to use prior written notice when notifying the parent that a student has been referred for special education services.

A referral for an evaluation must be in writing unless the person is unable to write and/or communicate orally. Remember: School district staff must assist any individual with making a referral. Each school district must also have an optional referral form available to the general public for requesting an initial evaluation for special education services. School districts must, upon request, provide the optional referral form in the requestor's native language and/or provide the support of a qualified interpreter when needed to complete the referral.

How to Count Days for Timelines

School districts have 25 school days to make a decision about whether or not to evaluate a student for special education services. The date the written referral is received by school district personnel is considered day "zero" for the purposes of counting 25 school days in the referral timeline.



Example: A parent provides a written referral to school personnel via email or in-person on Friday at 4:59 pm (prior to the close of business for the school day). The school district must then document in a prior written notice to the parent that Friday is the date the referral is received (day zero), and the school district now has 25 school days starting the following Monday (day one) to make a decision whether or not to evaluate.

If a school district decides to conduct an initial evaluation, the district must first obtain, without unnecessary delay, the parent's informed consent. After receiving parental consent, school districts have 35 school days to complete an initial evaluation and come to a decision regarding the student's eligibility for special education services. Similarly, the date parental consent is received by school district personnel is considered day "zero" for the purposes of counting 35 school days to complete an initial evaluation and arrive at a decision regarding eligibility for special education services. OSPI believes best practice is for school districts to keep a record of when parental consent is received in order to avoid confusion and meet timeline requirements.

Example: The school district decides to do an initial evaluation for special education services. On Monday, the district sends the parent an email containing prior written notice of its decision to evaluate, information about the areas to be assessed, and a consent form. On Wednesday, the parent signs and dates the consent form. The parent returns the consent form to school personnel at 4:59pm on Thursday (either via email or in-person) prior to the close of business for the school day. The date parental consent to evaluate is received is considered day "zero" (Thursday). The school district now has 35 school days starting Friday (day one) to complete an initial evaluation and arrive at a decision regarding eligibility for special education services.

Additional resources:

- [TAP #5: Evaluation Procedures Under Part B of IDEA](#)
- [Model Forms for Services to Students in Special Education](#) (see, 1a. [Referral for Special Education Evaluation](#))