

Part B Post Referral Actions

The Individuals with Disabilities Education Act (IDEA) child find requirements permit referrals from any source. 34 C.F.R. § 300.111. Minnesota has legislated that local health, education, and social service agencies must refer children under the age of five who are known to need or suspected of needing special instruction and services to the school district. 125A.03(b)

Receiving a referral

- 1) A primary referral source has identified and referred a child who is not yet enrolled in school (Minn.R. 3525.1350, Subp. 3 and Minn.Stat. 125A.02, Subp 1a) and has a diagnosed condition, a suspected developmental delay or atypical development, or is the subject of a substantiated case of child abuse or neglect
- 2) If a referral is made through the statewide phone or online system, the Minnesota Department of Education (MDE) will contact the designated local intake in no more than one business day after receiving a phone referral. Online referrals through Minnesota Help Me Grow are forwarded automatically to designated generic district email address. The local education agency receiving the referral will determine the appropriate next step.
- 3) The district must provide the parent with a copy of the procedural safeguard notice upon receipt of a referral.

Acting on a referral: Screen

- 1) The team determines screening is appropriate when no diagnosis, prior screening or other data indicating a suspected disability is available.
- 2) Parental written consent is required for screening unless the screening consists of tests or evaluations that are administered to all children, unless before administration of that test or evaluation, consent is required of parents of all children. 34 C.F.R. § 300.300(d)(1)(ii). Additionally screening for instructional purposes is not an evaluation. 34 C.F.R. § 300.302.
- 3) Screen the child using appropriate instruments and trained staff.
- 4) If the screening results indicate that the child is NOT suspected of having a disability and the parents have not requested an evaluation, provide prior written notice (PWN) containing the screening results and all other required PWN components. This notice must inform the parents of their right to request a special education evaluation.
- 5) If the screening results indicate that the child is suspected of having a disability or if the parent requests an evaluation, begin the process for an initial evaluation described below.

Acting on a referral: Evaluation and Assessment

- 1) Either a parent of a child or a public agency may initiate a request for an initial evaluation to determine if the child is a child with a disability. 34 C.F.R. § 300.301(b).
- 2) As part of an initial evaluation the evaluation team (members of the Individual Education Program (IEP) Team and other qualified professionals, as appropriate) must review existing evaluation data that may include screening information, medical diagnosis and existing evaluations. 34 C.F.R. § 300.305(a)(1).
- 3) After reviewing the existing evaluation data and considering parental input, the evaluation team determines what additional data, if any, is needed to determine if the child is a child with a disability and the educational needs of the child. 34 C.F.R. § 300.305(a)(2).
- 4) The district must present the parent with an evaluation plan and notice of evaluation that fully describes each assessment to be conducted and by whom (position or title not person's name). 34 C.F.R. § 300.503(b)(1). The proposed evaluation must be a comprehensive evaluation addressing all areas related to the suspected disability. 34 C.F.R. § 300.304(c)(4).
- 5) Once informed parental consent is obtained, the initial evaluation must be completed in a reasonable timeⁱ not to exceed 30 school days. Minn.R. 3525.2550.
- 6) Upon completion of the evaluation, a group of qualified professionals and the parents of the child determine whether the child is a child with a disability and the educational needs of the child. An evaluation report including the determination of eligibility must be completed and delivered to the parent within the 30 school day evaluation timeline. 3525.2710, subp 6. 34 C.F.R. § 300.306(a).
- 7) If it is determined the child is a child with a disability who is eligible for and in need of special education and related services, schedule an IEP team meeting with all required members. The parents of the child are required IEP team members. The purpose of this meeting is to develop an initial IEP for the child. This meeting must be scheduled within 30 calendar days of the eligibility determination. 34 C.F.R. § 300.323(c). An IEP must be in effect at the beginning of each school year for each eligible child with a disability attending a public school. 34 C.F.R. § 300.323(a).
- 8) If it is determined that the child is not eligible for special education and related services the parent is still provided with a copy of the evaluation report as well as a PWN. The notice must include a description of the parents' right to dispute the eligibility determination through dispute resolution mechanisms. 34 C.F.R. 300. § 503(b)(4) and 34 C.F.R. 300. § 504(c)(5)(6).

ⁱ Guidance for reasonable time over the summer is provided in OSEP's 2012 Letter to Reyes