



# **B-11 Child Find Guidance Including Initial Evaluation Time Lines**

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**MAASE Child Find Work Group  
August 2010**

## **Introduction and Acknowledgments**

This document is a procedural and guidance manual developed under the auspices of the Michigan Association of Administrators of Special Education.

This manual is geared to provide technical assistance and guidance for completing initial special education evaluations in Michigan and can also be used:

- As a basis for monitoring and complaint activities
- As a resource for districts to understand federal and state rules and regulations.
- By a district or intermediate school district to supplement existing policies, procedures and practices.
- To clarify any areas of confusion within the field.

Citations include:

- Federal Regulations, which are indicated by §300 with the following numbers indicating the subsection.
- The Michigan Revised Administrative Rules for Special Education, which are indicated by R340 with the following digits indicating the rule.
- Portions of the Auxiliary Services Act and Rules.

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## **CHILD FIND OBLIGATION**

### **Regulation/Rule**

**§ 300.111 Child Find (a) General.** (1) The State must have in effect policies and procedures to ensure that—  
(i) All children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located and evaluated.

### **GUIDANCE**

Public agencies (including local school districts and public school academies, hereafter referred to as “districts”) have the federal obligation to:

- Identify
- Locate
- Evaluate
- Inform the community at large on an annual basis of available special education programs and services

Districts have the child find obligation for public schools, private schools including parochial schools, and registered home schools.

For current federal reporting purposes the OSE-EIS must collect initial IEP information regarding children ages 3 - 21. Districts can submit information for this component for children birth - 26. (Birth - 2 and 22-26 are optional.) The additional data, when provided, will help develop student history records within the system.

## PARENTAL CONSENT

### Regulation/Rule

**§ 300.9 Consent** means that – (a) the parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication; (b) The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and (c)(1) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at anytime. (2) If a parent revokes consent, that revocation is not retroactive (*i.e.*, it does not negate an action that has occurred after the consent was given and before the consent was revoked.

**§ 300.300 Parental Consent** (a) Parental consent for initial evaluation. (1)(i) The public agency proposing to conduct an initial evaluation to determine if a child qualifies as a child with a disability under §300.8 must, after providing notice consistent with §§300.503 and 300.504, obtain informed consent, consistent with §300.9, from the parent of the child before conducting the evaluation.

**R 340.1721 Parental consent for initial evaluation; contents of notice; refusal to consent or respond**

(1) Within 10 calendar days of receipt of a written referral of a student suspected of having a disability, and before any formal evaluation designed to determine eligibility for special education programs and services, the public agency shall notify the parent and shall request written consent to evaluate. The written notice shall contain both of the following: (a) The reason or reasons an evaluation is sought and the nature of the evaluation. (b) A description of the types of special education programs and services currently available within the intermediate school district.

### GUIDANCE

#### Referral

R 340.1721 was revised as of June 2010 to indicate that a referral must be in writing. Additionally, according to the MDE's "Technical Assistance for Frequently Asked Questions," February 2004 (TA), a referral is any written request for an initial special education evaluation for a student suspected to be in need of special education programs or services.... The referral must be in writing unless the person making the referral cannot write, in which case the district shall provide whatever assistance is necessary to be informed of, and submit, the referral.

MDE's TA document also notes that referrals can be made by a parent or guardian, a licensed physician, registered nurse, social worker, or school or other appropriate professional personnel whose training and relationship to the student provides knowledge to reasonably suspect that the student has a disability.

#### Request for Informed Consent

Within ten (10) calendar days of receipt of a referral, the district must notify the parents and request consent to conduct the evaluation.

#### Obligation to Obtain Informed Consent

There are three parts to "informed consent" which must include the information from Rule 1721(1)(a)(b) and provision of the procedural safeguards to the parent.

The district must make a good faith effort to obtain informed consent. A "good faith effort" can be defined as multiple attempts in multiple ways, for example, attempting at least 3 contacts in three different ways, such as by phone at home and/or work, e-mail, home visit or personal contact.

There is no specified timeline for the parent to give written consent.

If the parent does not respond, the measure of "good faith effort" as described above is considered reasonable and appropriate.

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## **PARENTAL CONSENT Guidance, continued**

### **Receipt of Consent**

Any agent of the district can receive consent, including support staff employed by the district. It is critical for districts to set policies, practices and procedures as to who constitutes an "agent of the district" and the procedures followed when a completed parent consent form is received. Written policies and procedures should include:

- the title of the person/persons responsible for officially receiving consent
- procedures that guide the receipt of consent
- procedures to ensure that others who may receive consent know what to do with that document.

Additionally, it is important to train all staff in following these policies, practices and procedures.

*Delayed processing of received consent:* If a signed consent for evaluation has been received and evaluation procedures are not initiated in a timely manner, the district must finish the evaluation within the shortened time line. Failure to do so will result in the time line being out of compliance unless there is an agreement between the public agency and the parent to extend that time line.

### **Parent Right to Refuse Consent**

If the parent refuses consent the district should keep a record of the refusal.

When the parent refuses consent, the district has met its obligation according to Michigan rules and federal law once it has completed the following:

- requested informed consent
- given procedural safeguards
- provided written notice as described in R340.1721
- made reasonable, appropriate good faith efforts to obtain consent.

A district may, but is not required to pursue due process procedures to override the parent's refusal to consent to an initial evaluation; the district is not in violation if they choose not to pursue due process.

However, parent refusal to consent does not relieve the district of future child find obligations for that child.

### **Parent Right to Withdraw Written Consent**

A parent may withdraw consent for an initial evaluation. The withdrawal must be provided in writing.

## INITIAL EVALUATION

### Regulation/Rule

**§ 300.301 Initial Evaluations** (a) General. Each public agency must conduct a full and individual initial evaluation, in accordance with §§ 300.305 and 300.306, before the initial provision of special education and related services to a child with a disability under this part. (b) Request for initial evaluation. Consistent with the consent requirements in §300.300, 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. (c) Procedures for initial evaluation. The initial evaluation—(1)(i) Must be conducted within 60 days of receiving parental consent for the evaluation; or (ii) If the State establishes a timeframe within which the evaluation must be conducted, within that timeframe; and (2) Must consist of procedures—(i) To determine if the child is a child with a disability under § 300.8; and (ii) To determine the educational needs of the child.

**R 340.1721(a) Evaluation Procedure.** (1) Each student suspected of having a disability shall be evaluated by a multi-disciplinary evaluation team as defined in R 340.1701b(b). If an initial evaluation review is conducted by the individualized education program team, then the multidisciplinary evaluation team shall complete the evaluation as determined by the individualized education program team in addition to requirements as defined in R 340.1705 to R 340.1716 as applicable to the suspected impairment. (2) The multi-disciplinary team shall do both of the following: (a) Complete a diagnostic evaluation. (b) Make a recommendation of eligibility and prepare a written report to be presented to the individualized education program team by the appointed multidisciplinary evaluation team member. The report shall include information needed to determine a student's present level of academic achievement and functional performance and educational needs of the student. Information presented to the individualized education program team shall be drawn from a variety of sources, including parent input. (3) Special education personnel who are authorized to conduct evaluations of students suspected of having a disability may provide pre-referral consultation to general education personnel in accordance with procedures established by the department.

**R340.1721(c) Scheduling individualized education program team meeting; requesting parent participation**

(1) The school district of residence is responsible for conducting the initial individualized education program team meeting involving a student in its district and shall conduct, or authorize the operating district to conduct, each subsequent individualized education program team meeting at a mutually agreed upon time and place.

### GUIDANCE

#### Initial Evaluations

Initial evaluations are completed for students who *do not have a current IEP and are currently not eligible* to receive special education and related services. This includes students who were previously eligible for special education and parents revoked consent.

#### Child Find Obligations for Revocation of Consent Students

A district is *not* absolved of its Child Find obligation when a parent has revoked consent for a student previously eligible for special education. The parents continue to have the right to request an initial evaluation. According to Federal Register commentary (pg. 73012), the United States Department of Education expects that children whose parents revoke consent will be identified, located and offered an evaluation in the same manner as any other child, if the child is suspected of having a disability and being in need of special education and related services. This may require periodic offers to evaluate and documentation of those offers in order to satisfy a district's child find obligations throughout the student's educational career.

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## INITIAL EVALUATION Guidance, continued

### **What is Not Considered an Initial Evaluation**

The following evaluations are *not* considered initial evaluations and *are not subject* to the 30-school day time line:

- change of eligibility
- addition of an eligibility
- addition or removal of a program/service
- Michigan re-evaluation that is overdue
- any other re-evaluation

## TIME LINES, EXCEPTIONS and EXTENSIONS

### Regulation/Rule

**300.301 Initial Evaluations** (d) Exception. The timeframe described in paragraph (c)(1) of this section does not apply to a public agency if—(1) The parent of a child repeatedly fails or refuses to produce the child for the evaluation; or (2) A child enrolls in a school of another public agency after the relevant timeframe in paragraph (c)(1) of this section has begun, and prior to a determination by the child's previous public agency as to whether the child is a child with a disability under §300.8. (e) The exception in paragraph (d)(2) of this section applies only if the subsequent public agency is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent public agency agree to a specific time when the evaluation will be completed.

**R340.1721(c) Scheduling individualized education program team meeting; requesting parent participation**

(2) The time from referral or from receipt of parental consent to an initial evaluation to the completion of the individualized education program or the determination of ineligibility shall not be more than 30 school days. This time line begins upon receipt of the signed parental consent by the public agency requesting it and may be extended if agreed to by the parent and public agency.

### GUIDANCE

#### **Time Line**

R340.1721(c)(2) describes the Michigan procedure for determining the time line from receipt of parent consent to the completion of the IEP. Receipt of parental consent is the date the consent is received by school personnel. The term "school personnel" includes support staff, professional staff and administrators hired by the district. District procedures should specify which school personnel will be responsible for officially determining and documenting the date of receipt of parent consent.

According to MDE guidance, date of receipt of consent by the public agency is considered day "0". The following school day is considered day "1".

#### **Exceptions to the Time Line**

The 30 school day time line does not apply when:

- a child is repeatedly (1 or more days per week) absent from school
- the parent repeatedly (3 or more occasions) does not produce the child for evaluation
- the parent repeatedly (3 or more occasions) resists reasonable efforts by staff to complete evaluation activities

The district should document:

- the dates evaluations were scheduled and the student was absent
- the dates evaluations were scheduled with the parent and the parent did not produce the child
- the dates of attempted evaluation scheduling and parent resistance
- supports offered to the parent to make the child available for evaluation

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## **TIME LINES, EXCEPTIONS and EXTENSIONS Guidance, continued**

### **Initial Evaluation Extension Agreement**

In Michigan, the time line from receipt of parent consent to the completion of the IEP may be extended if agreed to by the parent and the district.

MDE guidance recommends that the extension agreement:

- is individualized
- is in writing
- is mutually agreed-upon by the public agency and parent
- is signed and dated by public agency and parent before the 30 school day time line expires
- establishes a new time line in school days

### **Transfer Students in the Process of an Initial Evaluation**

When a student moves into a district and the district becomes aware that the student was in the process of an initial evaluation (which has not been completed), the receiving district must complete the evaluation as expeditiously as possible.

In this case the district is not bound to the 30 school day time line. According to MDE guidance, the district and the parent should come to an agreement on a time line to complete the evaluation.

Districts should develop procedures for:

- documenting the date of receipt of the information about the initial referral
- ensuring a prompt completion of the evaluation and IEP; it is strongly advised that the evaluation and IEP meeting be completed within 30 school days or less
- identifying transfer students who are in the process of initial evaluation
- working with the parent to obtain records from the previous school as well as requesting that the parent provide whatever documentation they may have such as report cards or a record of the referral
- beginning the process of collecting data from the current school placement if previous records are not available

## OUT-OF-STATE TRANSFER STUDENTS ALREADY ELIGIBLE FOR SPECIAL EDUCATION

### Regulation/Rule

**§ 300.323 When IEPs Must Be In Effect** (f) IEPs for children who transfer from another State. If a child with a disability (who had an IEP that was in effect in a previous public agency in another State) transfers to a public agency in a new State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide the child with FAPE (including services comparable to those described in the child's IEP from the previous public agency), until the new public agency—(1) Conducts an evaluation pursuant to §§ 300.304 through 300.306 (if determined to be necessary by the new public agency); and (2) Develops, adopts and implements a new IEP, if appropriate, that meets the applicable requirements in §§ 300.320 through 300.324.

### **R340.1722(e) Previous enrollment in special education**

(1) If a student who currently receives special education programs or services enrolls in a new school district, then the new school district shall do either of the following: (a) With parent's consent, immediately implement the student's current individualized education program. (b) With the parent's consent, immediately place the student in an appropriate program or service and convene an individualized education program team meeting within 30 school days to develop an individualized education program. (2) If the parent does not provide consent for placement, then the school district, in consultation with the parents, shall provide a free appropriate public education to the student, including services comparable to those described in the student's individualized education program from the previous public agency. An individualized education program team meeting shall be convened to develop a new individualized education program as soon as possible, but not later than 30 school days.

**Federal Regulation p. 46682 (2006)** commentary notes that "in the case of a child with a disability who enrolls in a new school in another State, the public agency...must provide FAPE to the child, until such time as the public agency conducts an evaluation...if determined necessary by the public agency.... The evaluation conducted by the new public agency would be to determine if the child is a child with a disability and to determine the educational needs of the child. Therefore, the evaluation would not be a reevaluation, but would be an initial evaluation by the new public agency, which would require parental consent."

### GUIDANCE

#### **Out-of-State Transfer Students, Placement and Evaluation**

When a student with a disability moves into a district from another state, the district shall:

**1a)** provide parent notice of and obtain parent consent for the provision of FAPE through a temporary placement designed to implement the current IEP from the previous district. The district will convene an IEPT meeting within 30 school days to develop an IEP.

**OR**

**1b)** provide parent notice of and obtain parent consent for the provision of FAPE through a temporary placement designed in consultation with the parent to provide programs and/or services. The district will convene an IEP Team meeting within 30 school days to develop an IEP.

**AND**

**2)** the district must conduct a review of existing evaluation data (REED) to determine whether:

- a)** there is sufficient data to determine eligibility according to Michigan rules, or
- b)** additional evaluation is needed to confirm eligibility, or
- c)** a comprehensive evaluation must be completed to determine eligibility.

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## **TRANSFER STUDENTS FROM OUT OF STATE ALREADY ELIGIBLE**

### **Guidance, continued**

**2a)** If there is sufficient data to determine eligibility according to Michigan rules and no additional evaluation is necessary, provide parent notice. In this case the district does not need to complete a MET; eligibility will be recorded on the IEP form.

**2b)** If additional evaluation is needed to confirm eligibility, provide parent notice and obtain parent consent. In this case, the district does not need to complete a MET; eligibility will be recorded on the IEP form.

**2c)** If a comprehensive (full and individual) evaluation to determine eligibility must be completed, provide notice and obtain parent consent. In this case, after the evaluation is conducted, the district should complete the MET form.

### **Temporary Placement and Evaluation Time Lines**

In comparing the 30 school day temporary placement time line with the 30 school day evaluation time line, a district may find that it is not able to complete the evaluation within the temporary placement time line. In this case, the district should hold the temporary placement IEP team meeting within the temporary placement time line and convene an additional IEP team meeting to review the results of the evaluation. Districts may need to request an extension in order to complete the evaluation within the timeline.

### **METs and IEPs**

Where a MET form is required, it must be marked as an initial evaluation. IEP forms must also be marked as initial IEPs.

## NONPUBLIC SCHOOL STUDENTS

### Regulation/Rule

**§300.131 Child Find for Parentally-Placed Private School Children with Disabilities.** (a) General. Each LEA must locate, identify, and evaluate all children with disabilities who are enrolled by their parents in private, including religious, elementary schools and secondary schools located in the school district served by the LEA, in accordance with paragraphs (b) through (e) of this section and §§300.111 and 300.201. (b) Child find design. The child find process must be designed to ensure—(1) The equitable participation of parentally-placed private school children; and (2) An accurate count of those children. (c) Activities. In carrying out the requirements of this section, the LEA, or, if applicable, the SEA, must undertake activities similar to the activities undertaken for the agency's public school children. (d) Cost. The cost of carrying out the child find requirements in this section, including individual evaluations may not be considered in determining if an LEA has met its obligation under §300.133. (e) Completion period. The child find process must be completed in a time period comparable to that for students attending public schools in the LEA consistent with §300.301. (f) Out-of-State children. Each LEA in which private, including religious, elementary schools and secondary schools are located must, in carrying out the child find requirements in this section, include parentally-placed private school children who reside in a State other than the State in which the private schools that they attend are located.

**380.1296 Auxiliary services for pupils in nonpublic schools; use of state school aid; scope of auxiliary services; rules.** Sec. 1296. The board of a school district that provides auxiliary services specified in this section to its resident pupils in the elementary and secondary grades shall provide the same auxiliary services on an equal basis to pupils in the elementary and secondary grades at nonpublic schools. The board may use state school aid to pay for the auxiliary services. The auxiliary services shall include health and nursing services and speech and language services; school social work services; school psychological services; teacher consultant services for students with a disability and other ancillary services for students with a disability; remedial reading; and other services determined by the legislature. Auxiliary services shall be provided under rules promulgated by the superintendent of public instruction.

#### **Auxiliary Services Administrative Rules for Nonpublic Schoolchildren**

**R340.291 Definitions** Rule 1. As used in section 622 and these rules: (a) "School district" means both local and intermediate school districts. (b) "Shall provide" means shall make available. (c) "Equal basis" means that the services shall be made available at the nonpublic school to nonpublic schoolchildren during the established regular public school day. The proportionate share of services provided to children attending nonpublic schools shall be based upon a formula which considers the number of children attending nonpublic school in a school district that need such services in relation to the number of children attending public school in such school district that need such services and are receiving them. (d) "In attendance in the elementary and high school grades at nonpublic schools" means that a public school district providing any of the services to its resident children in attendance within the district shall provide the same and equal services to nonpublic children in attendance within the school district boundaries. (e) "Nonpublic school" means a school not operated by the public school district which nonpublic school is providing instruction in the elementary or secondary grades, or both, to pupils regularly enrolled in compliance with compulsory education laws in this state.

**R340.202 Auxiliary services description.** Rule 2. Auxiliary services include the following: (d) Speech correction services, visiting teacher services for delinquent and disturbed children, school diagnostic services for all mentally handicapped children, teacher counselor services for physically handicapped children, and teacher consultant services for mentally handicapped or emotionally disturbed children shall be in accordance with Act No. 269 of the Public Acts of 1955, as amended, being §§340.1 to 340.984 of the Michigan Compiled Laws, and Act No. 312 of the Public Acts of 1957, as amended, being §§388.611 to 388.652 of the Michigan Compiled Laws and pursuant to administrative rules.

### GUIDANCE

Public school districts are responsible for identifying, locating and evaluating children suspected of having disabilities who attend nonpublic schools.

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## **NONPUBLIC SCHOOL STUDENTS**

### **Guidance, continued**

#### **Residency and Grade Level**

In determining who will conduct the initial evaluation for a nonpublic school child, identify the child's school district of residence. If:

- a K-12 child attends a nonpublic school in the district of residence, that district is responsible for conducting the initial evaluation.
- a K-12 child attends a nonpublic school in a district other than the resident district; the district where the nonpublic school is located (district of location) is responsible for conducting the initial evaluation.
- a child is preschool-aged (not yet in kindergarten), regardless of where the nonpublic school is located, the district of residence is responsible for conducting the initial evaluation. In the case where the nonpublic school is not located in the resident district, the district of location should document that they: 1) have informed the parent that their resident district is responsible for conducting the initial evaluation and 2) have recommended that the parent contact the resident district. The district of location may not contact the district of residence unless the district of location has written parent consent to do so.

#### **Time Line**

The time line for completing the initial evaluation and resulting services plan or IEP team meeting is calculated using the calendar of the district that evaluates the nonpublic school child. (See "School Day," page 15, for additional guidance.)

#### **Initial Evaluations and Prior Evaluations**

An evaluation of a nonpublic school child is an initial evaluation if a prior evaluation was done:

- by a private school or other private provider
- by a public school and the student was found to be ineligible
- by a public school and the student was found to be eligible and was provided programs/services, but the parent revoked consent for the provision of programs/services.

#### **Children Attending a Nonpublic School in their Resident District**

When the district of residence completes the initial evaluation they may:

- recommend ineligibility—in this case, complete an IEP.
- recommend eligibility for a program or program and services—in this case, complete an IEP.
- recommend eligibility for services only—in this case, complete a services plan.

#### **Children Attending a Nonpublic School Located Outside their Resident District**

When the district of location completes the initial evaluation, they may:

- recommend ineligibility—in this case, document the ineligibility on a services plan form.
- recommend eligibility for a program or program and services—in this case, the district of location should document that they have informed the parent that their resident district is responsible for programming and recommended that the parent contact the resident district. The district of location may not contact the district of residence unless the district of location has written parent consent to do so.
- recommend eligibility for services only—in this case, complete a services plan.

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## **NONPUBLIC SCHOOL STUDENTS**

### **Guidance, continued**

#### **Completing Services Plans**

When either a resident district or district of location proposes a service plan for an eligible nonpublic school child as a result of an initial evaluation, the district is responsible for:

- scheduling and holding the initial meeting to review the results of the evaluation;
- developing a service plan if services are proposed; and
- providing written notice to the parent of proposed implementation of the service plan.

The above three actions must be completed within the initial evaluation time line. Parent consent must be obtained prior to implementing the initial services plan.

#### **Declining a Services Plan**

For both resident nonpublic children and non-resident nonpublic children, a parent's decision to decline a services plan should be written on a services plan form.

#### **Declining an IEP**

For a resident non-public school child, the initial eligibility determination, initial offer of a FAPE and the parent decision to decline all special education should be documented on an IEP form.

For a nonresident nonpublic school child, where the parent does not give written consent for the district of location to contact the resident district, the initial eligibility determination, initial proposal of a special education and the parent decision to decline special education should be documented on the services plan form.



## DEFINITIONS and OTHER CONSIDERATIONS

### Regulation/Rule

**§ 300.11 Day; Business Day; School Day** (a) Day means calendar day unless otherwise indicated as business day or school day. (b) Business day means Monday through Friday, except for Federal and State holidays (unless holidays are specifically included in the designation of business day, as in § 300.148(d)(1)(ii)). (c)(1) School day means any day, including a partial day that children are in attendance at school for instructional purposes. (2) School day has the same meaning for all children in school, including children with and without disabilities.

### COMMENTS

#### **School Day**

Any regularly scheduled day when school is in session according to the district calendar; a weather day or other "act of God" day is not considered a school day for the purposes of the 30-school day timeline.

If a specific school building which the student attends is closed, yet school is in session for the rest of the buildings in that district, that day does not count as a school day for the students in that building.

If a student attends alternate day Kindergarten, ½ day Kindergarten, or a preschool program, or is on a reduced schedule, the determination of what constitutes a school day is based on the *resident* district's scheduled days of instruction.

According to MDE guidance, date of receipt of consent by the public agency is considered day "0". The following school day is considered day "1".

With regard to non-public schools, the public school district responsible for completing the initial evaluation/IEP must follow its own school calendar to complete the initial evaluation/IEP. The school days counted will be the school days for the district responsible for completing the initial. It is expected that, with even minimal pre-planning, the public school district will be cognizant of any calendar difficulties and will, when necessary, use the timeline extension flexibility allowed in Michigan rule to complete the initial in a timely manner.

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## DEFINITIONS and OTHER CONSIDERATIONS, continued

### Regulation/Rule

**§ 300.503 Prior Notice by the Public Agency; Content of Notice** (a) Notice. Written notice that meets the requirements of paragraph (b) of this section must be given to the parents of a child with a disability a reasonable time before the public agency – (1) Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or (2) Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child. (b) Content of notice. The notice required under paragraph (a) of this section must include – (1) a description of the action proposed or refused by the agency; (2) An explanation of why the agency proposes or refuses to take the action; (3) A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action; (4) A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; (5) Sources for parents to contact to obtain assistance in understanding the provisions of this part; (6) A description of other options that the IEP Team considered and the reasons why those options were rejected; and (7) A description of other factors that are relevant to the agency's proposal or refusal. (c) Notice in understandable language. (1) The notice required under paragraph (a) of this section must be—(i) Written in language understandable to the general public; and (ii) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. (2) If the native language or other mode of communication of the parent is not a written language, the public agency must take steps to ensure—(i) That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication; (ii) That the parent understands the content of the notice; and (iii) That there is written evidence that the requirements in paragraphs (c)(2)(i) and (ii) of this section have been met.

**§ 300.504 Procedural Safeguards Notice** (a) General. A copy of the procedural safeguards available to the parents of a child with a disability must be given to the parents only one time a school year, except that a copy also must be given to the parents—(1) Upon initial referral or parent request for evaluation.

### COMMENTS

#### **Notice of Initial Evaluation**

A district proposing to conduct the initial evaluation must provide notice to the parent, which includes a written description of the evaluation procedures, an explanation of the purpose of the evaluation, the area(s) to be assessed, and any additional information/data needed. The district's REED document, when provided with the procedural safeguards, may serve as written notice to the parent.

#### **Notice of Initial Provision of Programs and Services**

A district proposing an initial offer of FAPE for a child must provide written notice to the parent. The notice must contain the information noted above in §300.503(b). The parent must give written consent before the district can implement the initial IEP.

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DEFINITIONS and OTHER CONSIDERATIONS, continued	
Regulation/Rule	
<b>R 340.1721c Scheduling individualized education program team meeting; requesting parent participation</b> (1) The school district of residence is responsible for conducting the initial individualized education program team meeting involving a student in its district and shall conduct, or authorize the operating district to conduct, each subsequent individualized education program team meeting at a mutually agreed upon time and place.	
COMMENTS	
<p><b><u>IEP Date</u></b>            According to MDE guidance, the initial IEP date is the date the completed offer of FAPE is made to the parent. The offer of FAPE must be made within the 30 school day time line or approved extension. The signature and date on the notice form and the accompanying IEP form together constitute the district's offer of a FAPE. A FAPE is not considered offered until notice has been provided. <i>N.B.</i> The 365-day timeline to hold the first annual review IEP team meeting is counted from the date of implementation of the initial IEP.</p> <p>Notice can be provided to the parent in a variety of ways:</p> <ul style="list-style-type: none"> <li>■ IEPT meeting (preferred)</li> <li>■ registered mail (return receipt requested) <i>and</i> regular mail</li> <li>■ home visit</li> <li>■ electronically</li> </ul>	

## DATA COLLECTION CONSIDERATIONS

### MSDS INITIAL IEP COMPONENT

The Michigan Student Data System requires that the following data be entered for initial IEPs:

- *Date of Parental Consent*
- *Timeliness of Initial IEP*
- *Result of Initial IEP*
- *Days Beyond Timeline*

This data is entered for initial IEPs, *not* re-evaluations, additions of eligibility or changes of eligibility.

### COLLECTION CYCLES

*Date of Parental Consent* is reported during the collection cycle (Fall, Spring, End of Year) in which the district receives the consent and the timeline begins.

If the *Date of Parental Consent* occurred in one MSDS collection cycle and the initial IEP is completed in another collection cycle, *Date of Parental Consent* is reported in both cycles, and the *Timeliness of Initial IEP* is reported in the cycle in which it occurred.

If the evaluation and completion of the initial IEP goes beyond the timeline or agreed-upon written extension, report data for *Timeliness of Initial IEP* when data for *Days Beyond Timeline* are known.

### DATE OF PARENTAL CONSENT

This is the date that the district received the completed and signed parental consent for an initial evaluation and is the beginning of the 30 school day timeline for the completion of the initial evaluation and IEP [date of receipt of consent is considered Day 0].

### TIMELINESS OF INITIAL IEP

Codes used when an initial IEP is completed within the required time line:

- 11 Completed within 30 school days
- 12 Completed within extended timeline

Codes used when an initial IEP is completed, but not within the required time line:

- 13 Not timely: parent did not make child available
- 14 Not timely: timeline began in previous district
- 15 Not timely: personnel not available for evaluation\*
- 16 Not timely: personnel not available for IEP\* (meaning for the IEPT meeting)
- 17 Not timely: external reports not available\*

\*Indicates not in compliance

Codes used when an initial IEP will never be completed:

- 18 Not completed: student died
- 19 Not completed: parent withdrew consent
- 20 Not completed: parent did not make child available
- 21 Not completed: student moved

...continued on page 19...

<b>DATA COLLECTION CONSIDERATIONS, continued</b>
<b>RESULT OF INITIAL IEP</b>
Codes used for reporting the outcome of the initial IEP: <ul style="list-style-type: none"><li>• 01 Student was found eligible</li><li>• 02 Student was found not eligible</li></ul>
<b>DAYS BEYOND TIMELINE</b>
<p>When a district does not complete an initial IEP within the 30 school day timeline or goes beyond the written agreed-upon extension, the district will be found untimely in terms of completing the IEP.</p> <p>In this event, the district must report the number of days after the IEP due date that the IEP was completed. OSEP requires that this be reported in <u>calendar</u> days.</p>

## SAMPLE EXTENSION FORM

[ISD/District Information and Logo]

### INITIAL IEPT MEETING TIME LINE EXTENSION AGREEMENT

Student Name:

Date of Birth:

District:

Date Extension  
Requested:

#### REQUEST FOR EXTENSION

Rule 340.1721c(2) of the Michigan Administrative Rules for Special Education states: *The time from referral or from receipt of parental consent to an initial evaluation to the completion of the individualized education program or the determination of ineligibility shall not be more than 30 school days. This time line begins upon the receipt of the signed parental consent by the public agency requesting it and may be extended if agreed to by the parent and public agency.*

In accordance with Rule 340.1721c(2) of the Michigan Administrative Rules for Special Education, we request your written consent to extend the thirty (30) school day time line for completing your child's initial evaluation and scheduling the initial IEPT meeting.

Initial Evaluation Time Line Dates		Proposed Extended Time Line
Date of Receipt of Consent:	End of 30 school day time line:	Date for end of proposed extension:

#### EXTENSION AGREEMENT AND INFORMED CONSENT SIGNATURE

- ☐ I give my permission to this extension of the thirty (30) school day time line, as indicated above, for completion of the initial evaluation and IEPT meeting.
- ☐ I do not give my permission to this extension of the thirty (30) school day time line, as indicated above, for completion of the initial evaluation and IEPT meeting.

\_\_\_\_\_  
Signature of Parent/Guardian

\_\_\_\_\_  
Date

#### For School Use Only

Reason for extension:

Date signed, completed extension received:

Signature of District Representative: