Evaluation Timeline

§89.1011. Full Individual and Initial Evaluation.

No later than the 15th school day after the date the district receives a written request from the parent (provided to a school district's director of special education services or to a district administrative employee) for a full individual and initial evaluation the district must:

Provide the parent with prior written notice (PWN) proposing to conduct the evaluation, a copy of the procedural safeguards notice, and an opportunity to provide written consent for the evaluation; or

Provide the parent with PWN of is refusal to conduct an evaluation with a copy of the procedural safeguards notice.

Not later than the 45th school day following the date on which the school district receives written consent, the full individual and initial evaluation must be completed,

except if a student has been absent from school during that period on three or more school days, that period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent; or

for students under five years of age by September 1 of the school year and not enrolled in public school and for students enrolled in a private or home school setting, not later than the 45th school day following the date on which the school district receives written consent.

Within 30 calendar days from the date of the completion of the written full individual and initial evaluation report, the admission, review, and dismissal (ARD) committee must make its decisions regarding a student's initial eligibility determination and, if appropriate, individualized education program (IEP) and placement.

If the 30th day falls during the summer and school is not in session, the ARD committee has until the first day of classes in the fall to make its decision regarding a student's initial eligibility determination and, if appropriate, IEP and placement, unless the FIE indicates the student will need extended school year (ESY) services during that summer.

If written consent is received at least 35 but less than 45 school days before the last instructional day of the school year, the FIE report must be provided to the student’s parent not later than June 30 of that year.

The ARD committee must meet not later than the 15th school day of the following school year to consider the evaluation.

If, however, the student was absent from school three or more days between the time that the school district received written consent and the last instructional day of the school year, the timeline is extended by the number of school days equal to the number of school days the student has been absent during the evaluation period.

Transfer students: If a student was in the process of being evaluated for special education eligibility by a school district and enrolls in another school district before the previous school district completed the full individual and initial evaluation, the new school district must coordinate with the previous school district as necessary and as expeditiously as possible to ensure a prompt completion of the evaluation. The timelines referenced above do not apply in such a situation if:

(1) the new school district is making sufficient progress to ensure a prompt completion of the evaluation; and

(2) the parent and the new school district agree to a specific time when the evaluation will be completed.

**School day does not include a day that falls after the last instructional day of the spring school term and before the first instructional day of the subsequent fall school term.

**A student is considered absent for the school day if the student is not in attendance at the school’s official attendance taking time or at the alternate attendance taking time set for that student. A student is considered in attendance if the student is off campus participating in an activity that is approved by the school board and is under the direction of a professional staff member of the school district, or an adjunct staff member who has a minimum of a bachelor's degree and is eligible for participation in the Teacher Retirement System of Texas.