



Local Education Agency Obligation to Complete Special Education Evaluations

Local education agencies (LEAs) have an affirmative duty to identify and evaluate students with disabilities and cannot rely on the parent to move the process forward but must attempt to engage the parent at each step of the evaluation process.

Initial Evaluation Timeline

The LEA must respond to the initial referral in a timely manner by:

- Accepting all initial referrals, both oral and written, and document the date of any oral referral within three business days of receipt;
- Making reasonable efforts¹ to obtain parental consent to evaluate within 30 calendar days of receipt of the initial referral; and
- Making the initial effort to contact the parent within 10 business days of the initial referral.

The LEA must complete the evaluation within the initial evaluation timeframe by:

- Ordering any needed assessments and completing the evaluation; and
- Holding the eligibility determination meeting within 60 calendar days of receipt of consent and taking all required steps to afford the parent an opportunity to participate.²

Documentation Requirements

The LEA must 1) document all parent communications relevant to completing the evaluation process, including attempts to schedule meetings and evaluations or assessments; and 2) log any missed meetings or appointments and attempts to reschedule in the system of record, through either the contact log or prior written notice. The LEA must document:

- The date and modality of communication (e.g., phone call, text, email, letter, in-person conversation) including the phone number, email address, and/or the postal address used;
- The purpose of the communication (e.g., obtain consent, (re)schedule evaluation, (re)schedule meeting, appointment reminders); and
- The outcome of the communication (record return calls by the parent).

Disconnected phone numbers: Repeated phone calls to a discontinued number do not count; only the first instance of trying to contact the parent and not being able to reach them may count toward a delay not attributable to the LEA. Continued attempts to reach the parent through a disconnected phone number may be made in case the phone is reconnected, but additional avenues of contact must be made simultaneously.

¹ 5A DCMR § 3099.1

² 5A DCMR §§ 3009.1-3009.2

Exception for Initial Evaluation Timeline Delay Not Attributable to the LEA

The initial evaluation timeframe does not apply to the LEA if the LEA has made and documented reasonable efforts and the parent repeatedly fails or refuses to produce the child for the evaluation.³ An exception for a delay not attributable to the LEA can be shown only with clear supporting documentation of the LEA's good faith effort to timely complete the evaluation. Evidence of the LEA's effort to timely complete the eligibility determination include attempts to schedule and reschedule missed appointments or meetings, reminders to the parent of scheduled appointments or meetings, and other relevant evidence of the LEA's efforts to engage the parent throughout the process. A determination of an exception for a delay not attributable to the LEA should use common sense and fairness to determine when any delay should be attributed to the LEA and when any delay should not be attributed to the LEA, accounting for both delays by the LEA in attempting to contact the parent and in parental responsiveness. Examples of scenarios that may not be attributable to the LEA are parent requests to significantly delay the process due to family circumstances or to consult with, have the child evaluated by, or conclude an active evaluation with a private provider or doctor prior to moving forward with the special education evaluation process. Additional repeated actions that may be conduct not attributable to the LEA include the parent being repeatedly unresponsive to communications, including delayed replies; the parent repeatedly cancelling, rescheduling, or no-showing to meetings or scheduled appointments; the student being repeatedly absent or unavailable for testing; or the parent rejecting multiple appointment options and meeting dates and requesting a later date.

³ 5A DCMR § 3005.5(a)