



## SPECIAL EDUCATION POLICY BULLETIN

### Referral for Initial Evaluation

October 2024

The Office of the State Superintendent of Education (OSSE) provides this guidance on local education agency (LEA) responsibilities under the Individuals with Disabilities Education Act (IDEA) related to referrals for initial evaluation for special education eligibility. LEAs must ensure that students receive a free appropriate public education (FAPE) by identifying and processing referrals for initial evaluation in a timely manner. This document generally constitutes nonregulatory guidance and does not impose any additional requirements beyond those included in applicable federal and local law and regulations.

#### OVERVIEW OF CHILD FIND OBLIGATIONS

LEAs are responsible for identifying, locating, and evaluating students who may have disabilities, which is also known as the child find obligation.<sup>1</sup> As part of child find activities, LEAs must accept referrals for the initial evaluation of students to determine eligibility for special education and related services consistent with IDEA Part B and District of Columbia eligibility criteria. A referral is a request or statement made by the student's parent<sup>2</sup> or other individual with knowledge of the student indicating that they believe the student may have a disability or seeking an evaluation to determine if the student has a disability. While LEA child find policies may establish internal procedures governing referrals, these requests often happen outside of an established process. LEAs must support staff in recognizing and responding to referrals so that they may appropriately and timely initiate the referral process.

LEAs must not delay or deny a referral or initial evaluation of a student and may not discourage parents or other referral sources from submitting a referral. A failure or delay in receiving and documenting a referral may constitute a denial of a student's access to and receipt of FAPE.

In addition to identifying, locating, and evaluating students suspected of having a disability, LEAs must inform parents and community members of the availability of special education and related services and methods for requesting those services.<sup>3</sup> LEAs should also be prepared to conduct screenings, consider existing data, and consult with parents if they suspect that a student may have a disability.<sup>4</sup> These measures help to ensure that parents and school staff are aware of referral processes and that school teams monitor data so that students are appropriately referred for initial evaluation.

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<sup>1</sup> 34 C.F.R § 300.111(a)

<sup>2</sup> See 5-A DCMR § 3099 "Parent"

<sup>3</sup> 5-A DCMR § 3003.3

<sup>4</sup> 5-A DCMR § 3003.5

## **REFERRAL SOURCES**

Any individual who has knowledge of a student may make a referral for initial evaluation. However, LEAs must treat referrals from the following sources as a request for initial evaluation:

- The student's parent;
- The student, provided that educational rights have transferred to the student;
- An employee of the LEA the student is enrolled in, who has knowledge of the student; and
- An employee of a public agency, as defined by 34 C.F.R. § 300.33, who has knowledge of the student.<sup>5</sup>

For students younger than age 6, LEAs must also treat referrals from the following sources as a request for initial evaluation:

- Pediatrician or other medical professional including physicians, hospitals, and other health providers;
- Child development facilities, including day care centers, child care centers, and early childhood programs;
- District agencies and programs, including IDEA Part C programs;
- Community and civic organizations; and
- Advocacy organizations.<sup>6</sup>

While LEAs must accept referrals from the above listed sources, LEAs may accept a referral from any source, including but not limited to non-custodial family members, after-school or out-of-school time programs, religious leaders, and community or recreational programs. Social workers may also be valuable sources of referrals as employees of LEAs, public agencies, District agencies or programs, or community organizations. In the event of any referral, LEAs must notify the student's parent as outlined below and must obtain parental consent for initial evaluation regardless of who makes the referral.

## **REFERRAL DOCUMENTATION**

Referrals for initial evaluation may be provided verbally or in writing.<sup>7</sup> Verbal referrals must be documented in writing within three business days of receipt and LEAs must assist any outside referral source with documenting the referral in writing.<sup>8</sup> LEAs must not delay referrals that are received verbally and should consider the date of the oral request to be the referral date. Any written documentation of a referral should be uploaded to the student's file in the statewide special education data system, Special Programs.

## **PARENT NOTIFICATION UPON REFERRAL**

The LEA must notify the parent of receipt of any referral for initial evaluation. This notification must include information regarding the initial evaluation process, parental consent requirements, and resources the parent may contact for assistance.<sup>9</sup> Upon receipt of a referral from any source, including the parent themselves, the LEA must complete a Parent Acknowledgment Letter in Special Programs and provide it to the parent, along with a copy of the procedural safeguards notice.<sup>10</sup>

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<sup>5</sup> 34 C.F.R. § 300.301(b), 5-A DCMR § 3004.1

<sup>6</sup> 34 C.F.R. § 300.301(b), 5-A DCMR § 3004.2

<sup>7</sup> 5-A DCMR § 3004.5

<sup>8</sup> 5-A DCMR § 3004.6

<sup>9</sup> 5-A DCMR § 3004.4

<sup>10</sup> 5-A DCMR § 3029.1; 5-A DCMR § 3033.4

## STUDENT DATA

Robust student-level data is an essential component of the evaluation process, but a referral cannot be delayed or denied to allow the LEA to gather additional data, conduct screenings, implement pre-referral interventions, or because of a child's limited English proficiency.<sup>11</sup> LEAs should document the referral and identify any needed additional assessments or data as part of the analysis of existing data and initial evaluation process. LEAs may attempt pre-referral interventions, but must refer a student for initial evaluation as soon as it suspects the student may have a disability. Interventions may be implemented concurrently with the initial evaluation process.

As part of an initial evaluation, the individualized education program (IEP) team and other qualified professionals, as appropriate, must review the following existing evaluation data on the child: evaluations and information provided by the parents of the child; current classroom-based, local, or state assessments, and classroom-based observations; and observations by teachers and related services providers.<sup>12</sup> However, LEAs must review this information during the analysis of existing data and may not require that any referral source provide this data at the time of referral, as this may delay the evaluation process. Additionally, LEAs must not require any student to have a medical diagnosis or to provide medical documentation in order to process a referral or to receive an evaluation.<sup>13</sup> However, if available, this information should be considered by the group conducting the evaluation during its analysis of existing data and used as part of the initial evaluation process.

## LEA REFERRAL PROCESSES

Delays in the referral process may delay the evaluation and provision of special education and related services to an eligible student with a disability. As such, LEAs should develop policies, procedures, and training to support school staff in timely and appropriately responding to referrals. While LEAs have the latitude to create referral processes, such processes should be simple, flexible, and efficient to avoid delays in the initial evaluation process.

LEAs may not require that specific phrasing be used in a referral or that certain conditions are present in order to begin the referral process. Additionally, LEAs may not require referrals to be made in writing or on a specific form. Whether a particular statement or question is a request for an evaluation depends on the circumstances. LEAs should treat any request for "testing" or similar statements as an opportunity to ask questions about the parent's concerns and to determine if the parent is intending to request an initial evaluation. LEAs should ensure that all school staff, including general education teachers, are trained on identifying and receiving referrals, including:

- Reviewing the different modalities through which sources may make a request;
- Providing multiple examples of phrasing that may indicate a referral;
- Discussing student circumstances that may trigger a referral, such as behavioral issues, frequent absences, or medical conditions;
- Instructing staff to ask referral sources for more information about their concerns; and
- Maintaining multiple pathways for alerting the appropriate special education team members when a referral has been made.

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<sup>11</sup> 5-A DCMR § 3004.3

<sup>12</sup> 34 C.F.R. § 300.305(a)(1)

<sup>13</sup> 5-A DCMR § 3001.10

## RESOURCES

For additional information, please refer to:

- [District of Columbia Municipal Regulations, Title 5A, Chapter 30 “Special Education”, Section 3003 “Child Find”](#)
- [OSSE Child Find Policy](#)
- [OSSE's Child Find and Initial Evaluation Resources](#)
- [US Department of Education Office of Special Education and Rehabilitative Services “Return to School Roadmap: Child Find Under Part B of the Individuals with Disabilities Education Act” \(OSEP QA 21-05\)](#)
- [US Department of Education Office of Special Education and Rehabilitative Services, OSEP Memo 11-07 Response to Intervention \(RTI\)](#)

Please direct any questions regarding the content of this document to OSSE’s Office of Special Education policy team at [OSSE.DSEPolicy@dc.gov](mailto:OSSE.DSEPolicy@dc.gov).