

Indicator 11, Timelines, and Forms

Vermont Agency of Education

Agenda

- Define Timelines and Calendar Days
- Indicator 11
- Initial Evaluations and Timelines
- Exceptions to Timelines and Reasons for Delay
- Form 4 and Indicator 11 Data Collection Sheet
- Other Timelines

Timelines

- Distance between request for evaluation and LEA response: *15 calendar days*
- Distance between parental consent for assessment received and completing the evaluation process, including sending all reports and documentation to the parents: *60 calendar days*
- Distance between eligibility meeting and development of an IEP: *30 calendar days*
- Distance between IEP reviews: *365 calendar days*
- Distance between re-evaluations/triennials: *1095 calendar days*

Calendar Days, Defined

- Calendar days refer to every day on the calendar, i.e. all 365 days of the year (366 if it is a leap year).

Indicator 11

- The State Performance Plan (SPP) has Indicators to determine compliance with IDEA.
- Indicator 11 is the percent of children with parental consent to evaluate, who were evaluated within 60 days (or State established timeline).
- Targets must be 100%. That target is set by the federal government at the Office of Special Education Programs (OSEP).
- States report this data along with information about the timely correction of noncompliance at each district and the nature of any improvement activities, technical assistance, or sanctions taken to remediate any individual or systemic issues identified at the local level.

Initial Evaluations

[IDEA Sec. 300.301 Initial Evaluations](#)

- (c) Procedures for initial evaluation. The initial evaluation—
 - (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.

Initial Evaluations, continued

[Vermont Special Education Rules \(34 C.F.R. § 300.301\)](#)

- (c) The initial evaluation will be completed, and the report issued within 60 days from either:
 - (1) The date parental consent has been received by the LEA; or
 - (2) The date on the LEA's notice, which informs parents that it will be reviewing existing data as the sole basis for the initial evaluation.

For more information about the content of an evaluation report, please see section 2362.2.6, Evaluation and Planning Team Report, in [Vermont's Special Education Rules and Regulations](#).

Consent

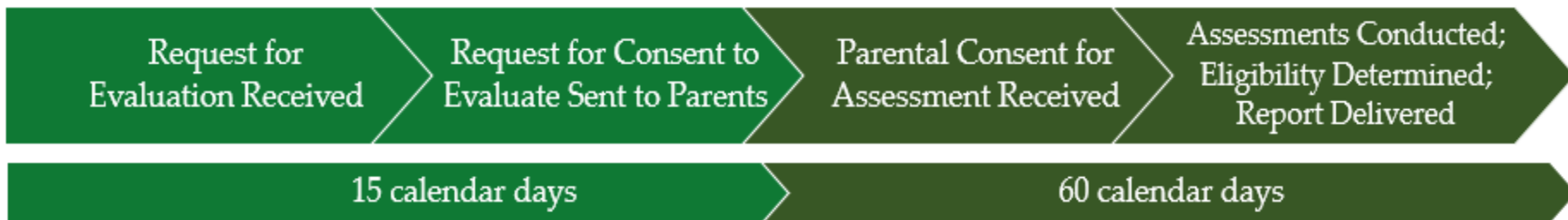
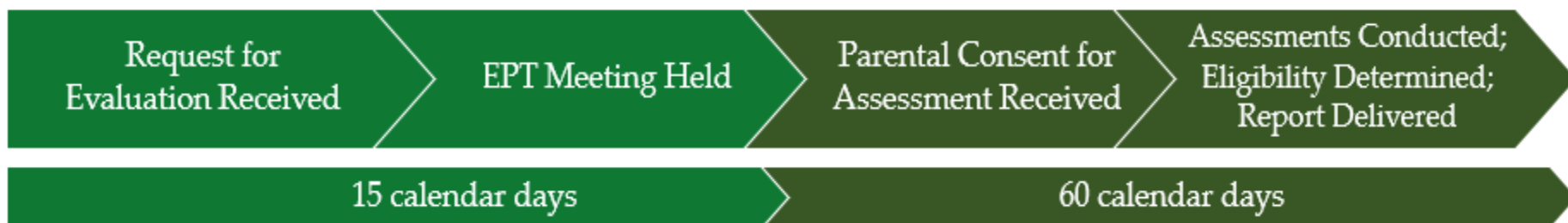
- Consent, per Vermont's special education rules and regulations, is required before conducting an initial evaluation or reevaluation which consists of more than a record review.
- Consent occurs after the parent has been fully informed of all information relevant to the activity for which consent is sought.
- This rule also requires that consent be written, and that within that writing, it is acknowledged that consent is voluntarily with the knowledge that it may be revoked at any time, and that the revocation is not retroactive.

Content of Evaluation Report

Evaluation and Planning Team Report, in [Vermont's Special Education Rules and Regulations](#).

1. A conclusion...whether...the student is eligible for special education based on...The presence or absence of a disability...whether it has an adverse effect on educational performance...whether the student needs special education services...and that this support cannot be provided through the educational support system...or supplementary aids and services provided in the school.
2. The evaluation procedures used...a description of any modifications...made from the evaluation procedures specified in the evaluation plan...
3. A summary of all educationally relevant information collected during the evaluation...
4. Recommendations as to the need for accommodations...
5. The initials of all team members...with the eligibility conclusion.
6. The written report of an observation of the student, if an observation has been conducted.”

Initial Evaluation Timeline



Exceptions to Timeline

[Vermont Special Education Rules \(34 C.F.R. § 300.301\)](#)

- (d) If completion of the initial evaluation will be delayed for a period exceeding 60 days as specified...the parent shall be given written notice of the delay and a schedule of evaluation activities.... A notice of delay shall only be used for exceptional circumstances related to the student and/or family...

Exceptions to Timeline, continued

- (f) The 60-day time limit for the completion of an initial eligibility evaluation...shall not apply to an LEA if the parent of a student repeatedly fails or refuses to make a student available for the evaluation or if:
 - (1) A student moves to a new LEA before the eligibility evaluation in the old LEA has been completed;
 - (2) The new LEA is making sufficient progress to ensure a prompt completion of the evaluation; and
 - (3) The parent and new LEA have agreed to the specific time when the evaluation will be completed.

Allowable Reasons for Delay

- Parent repeatedly failed to produce the child for the evaluation.
- The student transferred in from another district after the consent was obtained and the evaluation had begun but not yet been completed by the sending school district, including a determination of eligibility.
- Parent and district agreed to extend the evaluation timeline (district has documented the agreement to extend).

Not Allowable Reasons for Delay

- Delay due to insufficient staff availability
- Delay due to lack of qualified staff
- Delay due to the LEA/school having scheduling conflict
- Delay due to MTSS/RTI

Form 4

We are in the process of completing an initial comprehensive special education evaluation for the student listed above. Although we expected to complete this evaluation by _____, we find that we are unable to meet this deadline. This delay is due to the following circumstance(s):

The parent did not make the student available for the evaluation, either repeatedly or for a period of time which forced the delay of the evaluation timeline. Description and dates of attempts to conduct the evaluation (required): _____

The student was hospitalized or experience an extended medical absence, either of which is supported by medical documentation that the student is not available for evaluation.

Form 4, continued

Delay requested by parent. Date delay was requested: _____

Method delay was requested (select one): Phone, Email, In-Person, Mail, Other, and Reason (optional): _____

The parent of the student and the school district mutually agree to extend the evaluation timeline. Timeline extension allowable if mutually agreed upon, does not exceed 30 more calendar days, and extension signed prior to original initial evaluation timeline expiration date.

The student moved to our school district before the eligibility evaluation in their previous district/union has been completed. Our district is making sufficient progress to ensure prompt completion of the evaluation, and the parent and our district have agreed to the specific time when the evaluation will be completed.

Form 4, continued

The following is a schedule of the evaluation activities yet to be completed: _____

We expect the Evaluation Report will be completed by:

Indicator 11 Data Collection Sheet

Please download the spreadsheet, fill it out, save it to a drive of your choice, and upload it to the shared platform when ready.

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LEA Name					This section to be completed only by LEA Director.								
LEA ID					I (Name of LEA Special Education Director),	certify I have reviewed the data listed below						on (date)	
Name of School	Type of Enrollment	Date of Request for Evaluation	Date of Evaluation Planning Team (EPT) Meeting	Date LEA Received Parent Consent for Eval	Date of Eligibility Determination Meeting	Date Eligibility Report provided to the parents	Days between Consent and Eligibility Report provided to the parents	Was the student eligible for special education services in	Type of Evaluation for Out-of-state Transfers	Was the student referred to an IEP team?	Was the student referred to a 504 or EST team?	Was Form 4-Notice of Delay used? Form 4 MUST be used if more than 60 days.	If evaluation was delayed, was the delay family related?
Data Entry	Dropdown	Data Entry	Data Entry	Data Entry	Data Entry	Data Entry	FORMULA	Dropdown	Dropdown	Dropdown	Dropdown	Dropdown	Dropdown
Senior High School	Public	8/28/2019	9/4/2019	9/9/2019	11/12/2019	11/18/2019	70	No	Full Initial Evaluation	Yes	No	Yes	
Middle School	Independent-parentally placed	9/9/2019	9/11/2019	9/11/2019	12/3/2019	12/3/2019	83	Yes	Record Review Only	N/A	Yes	No	Yes. The student has received a diagnostic placement for the purpose of determining eligibility.
Elementary School	Other (includes homeless, migrant, vulnerable adult students)	11/7/2019	11/15/2019	11/15/2019	12/18/2019	12/30/2019	45	Yes	Record Review Only	Yes	No	No	

Resources for Indicator 11

- [Special Education Program Monitoring System Guide](#)
- [Special Education Reports](#)
- [K-12 Special Education Evaluation Implementation Guide](#)
- [Return to School Roadmap: Child Find Under Part B of IDEA](#)
- [Common Areas of Noncompliance and Resources Surrounding Timelines and Child Find](#)

Other Timelines

- Annual Review Timeline
- Triennial Re-Evaluation Timeline
 - Agreement to Not Conduct a Triennial Re-Evaluation
 - Form 8
- Annual Review and Triennial Reevaluation Data Collection Sheets
- Tips for Timelines

Other Timelines, continued

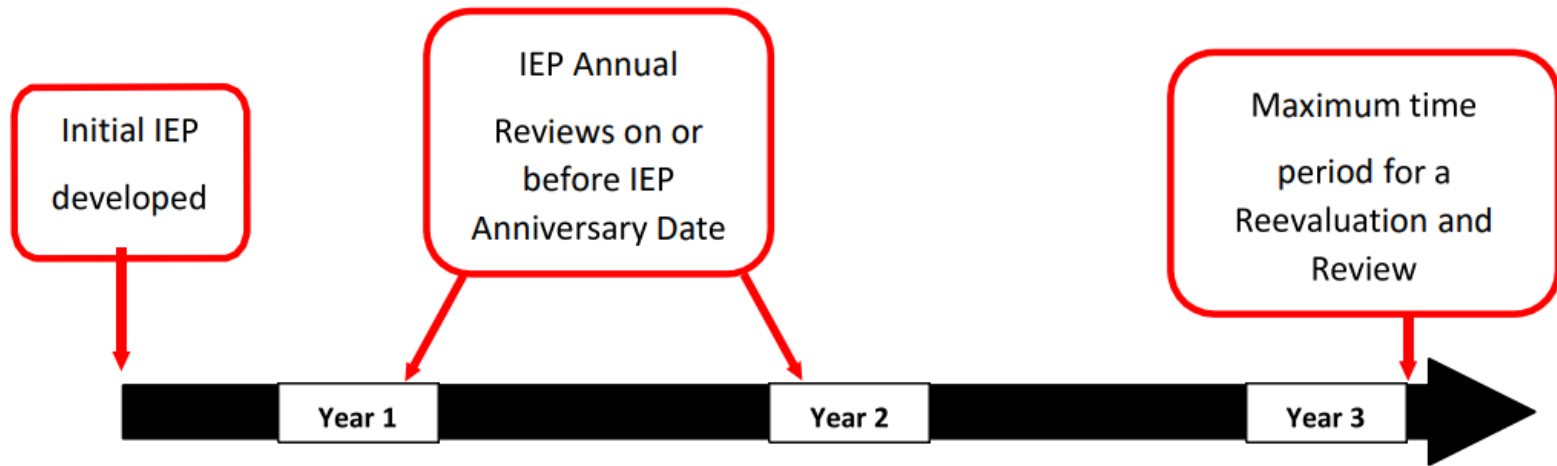


Image courtesy, Colorado Department of Education:

https://www.cde.state.co.us/cdesped/iep_proceduralguidance#page=13

Annual Review Timeline

- IDEA: “The local educational agency shall ensure that...the IEP Team— “(i) reviews the child’s IEP periodically, but not less frequently than annually...”
- IEPs must be reviewed annually, defined as 365 days, with no exception for leap years.
- The target to be met, by federal and state statute, is 95% compliance.

Annual Review Data Collection Sheet

LEA Name				Due date: January 15th	IEP Dates Suspected Non-Compliant	0
LEA ID		For more information and reporting instructions please click on cells A1, A2, A3, A4, D4, and any the column title in row 5			Corrected IEP Dates	0
Person submitting for LEA						
Name of LEA Director		Date of Review by LEA Director (mm/dd/yyyy):			I certify I have reviewed the data listed below	
Student Number (PermNumber)	DOB	IEP Date reported in Previous Child Count	IEP Date reported in Current Child Count	Days Between IEPs	Please provide clarification on corrections or why not compliant	Compliant/Not Compliant
Provided by AOE	Provided by AOE	Data Entry - Correct as appropriate	Data Entry - Correct as appropriate	Formula	Data Entry	Formula
				0		Compliant
				0		Compliant

Triennial Re-Evaluation Timeline

- IDEA: “A reevaluation...shall occur—
 - (i) not more frequently than once a year, unless the parent and the local educational agency agree otherwise; and
 - (ii) at least once every 3 years, unless the parent and the local educational agency agree that a reevaluation is unnecessary.”
- Evaluations must be reviewed every three years, defined as 1095 days, with no exception for leap years.
- The target to be met, by federal and state statute, is 95% compliance.

Agreement to Not Conduct a Triennial Re-Evaluation

- Parents and schools can agree in writing not to do a triennial reevaluation (Form 8).
- If, after reviewing records and progress, the IEP team decides there's already enough data to support continued services and set goals, a reevaluation may not be needed.

Form 8

The school district and the parent have agreed that the school district will not conduct the three-year re-evaluation that is currently due on _____ . The date of the parent signature will be considered the date from which the next triennial will be due. The parent and school district have the right to request/conduct a full evaluation anytime within the next three years after signing this form if the reason for this decision has changed and valid assessments can be conducted. Note: *Prior Written Notice about Evaluation/Consent for Evaluation* is not required.

Authorized staff have explained to the parent that they are not required to enter into this agreement, and the child's special education services will not be affected by entering into this agreement.

Triennial Reevaluation Data Collection Sheet

LEA Name					Due Date: January 15th	Triennial evals suspected non-compliant	0
LEA ID		For more information and reporting instructions please click on cells A1, A2, A3, A4, D4, and any the column title in row 5				Corrected triennial evaluations	0
Person submitting for LEA		I certify I have reviewed the data listed below.				Date of review by LEA Director (mm/dd/yyyy):	
Name of LEA Director							
Student Number (PermNumber)	DOB	Triennial Evaluation Date reported in PREVIOUS Child Count	Triennial Evaluation Date reported in CURRENT Child Count	Days Between Evaluations	Please provide clarification on corrections or why not compliant	Form 8 Used?	Compliant/Not Compliant
Provided by AOE	Provided by AOE	Data Entry - Correct as appropriate	Data Entry - Correct as appropriate	Formula	Data Entry	Data Validation Yes/No	Formula
				0			Compliant
				0			Compliant
				0			Compliant

Tips for Timelines

- Aim to conduct reevaluation meetings in alignment with annual IEP review meetings, if the consolidation does not impact compliance timelines for either meeting.
- Contact parents on a regular schedule and document all parent contacts and attempts to schedule meetings.
- Have a school or district wide calendar for planning purposes.
- Schedule eligibility meetings at the time consent is received.
- Notify your special education director of potential noncompliance.
- Create a tracking system to monitor timelines.

Contact

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