

QUESTIONS AND ANSWERS REGARDING STUDENTS TRANSITIONING FROM EARLY INTERVENTION PROGRAMS TO SCHOOL AGE PROGRAMS

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- 1. If a child is identified with a Developmental Delay (DD) while in an Early Intervention (EI) program and participates in the EI transition to school age process, will the school district or charter school conduct an initial evaluation or reevaluation for the student?**
 - If the parents and the school district or charter school decide a reevaluation is necessary, a reevaluation is conducted. The school district or charter school may conduct a reevaluation consisting of a review of existing data prior to the development of an IEP without parental consent.
 - If the parents and the school district or charter school decide a reevaluation is necessary and through the review of existing data the IEP team determines that additional data are needed, the school district or charter school will issue a Prior Written Notice for Reevaluation and Request for Consent Form - School Age. A Local Education Agency (LEA) must ensure that a reevaluation of each child with a disability is conducted in accordance with 34 CFR §§ 300.304 through 300.311.

- 2. For a child identified with a Developmental Delay (DD) while in an Early Intervention (EI) program that does not participate in the EI transition to school age process, if the child enters the school age program in the subsequent school year, will the school district or charter school conduct an initial evaluation or reevaluation for the student?**
 - An initial evaluation is conducted. The school district or charter school will issue a Prior Written Notice for Initial Evaluation and Request for Consent Form - School Age. Each LEA must conduct a full and individual initial evaluation, in accordance with 34 CFR §§ 300.305 and 300.306.

- 3. If a child is identified with a category of disability other than a Developmental Delay (DD) while in an Early Intervention (EI) program and participates in the EI transition to school age process, will the school district or charter school conduct an initial evaluation or reevaluation for the student?**
 - A reevaluation is conducted.
 - If the parents and the school district or charter school decide a reevaluation is necessary, the school district or charter school may conduct a reevaluation consisting of a review of existing data prior to the development of an IEP. The school district or charter school is not required to request consent in order to conduct a reevaluation consisting of a review of data.
 - If the parents and the school district or charter school decide a reevaluation is necessary and through the review of existing evaluation data the IEP team determines that additional data are needed, the school district or charter school will issue a Prior Written Notice for Reevaluation and Request for Consent Form - School Age. An LEA must ensure that a reevaluation of each child with a disability is conducted in accordance with §§ 300.304 through 300.311.

- 4. For a child identified with a category of disability other than a Developmental Delay (DD) while in an Early Intervention (EI) program that does not participate in the EI transition to school age process, if the child enters the school age program in the subsequent school year, will the school district or charter school conduct an initial evaluation or reevaluation for the student?**
- A reevaluation is conducted.
 - If the parents and the school district or charter school decide a reevaluation is necessary, the school district or charter school may conduct a reevaluation consisting of a review of existing data prior to the development of an IEP. The school district or charter school is not required to request consent in order to conduct a reevaluation consisting of a review of data.
 - If the parents and the school district or charter school decide a reevaluation is necessary and through the review of existing evaluation data the IEP team determines that additional data are needed, the school district or charter school will issue a Prior Written Notice for Reevaluation and Request for Consent Form - School Age. A Local Education Agency (LEA) must ensure that a reevaluation of each child with a disability is conducted in accordance with 34 CFR §§ 300.304 through 300.311.
- 5. If a Local Education Agency (LEA) requests Prior Written Notice for Initial Evaluation and Request for Consent Form - School Age for an eligible child with an Individualized Education Program (IEP) as part of the EI transition to school age process, and after reasonable attempts to obtain the consent, the consent is not received, may the LEA proceed with the initial evaluation?**
- No. If the parent of a child enrolled in public school or seeking to be enrolled in public school does not provide consent for initial evaluation or the parent fails to respond to a request to provide consent, the LEA may not conduct an initial evaluation. The LEA may, but is not required to, pursue the initial evaluation of the child by utilizing the procedural safeguards, including the mediation procedures or the due process procedures. The LEA does not violate its child find obligation under 34 CFR § 300.111, if it declines to pursue the evaluation.
- 6. If a Local Education Agency (LEA) requests prior written notice and consent for reevaluation for an eligible child with an Individualized Education Program (IEP) as part of the EI transition to school age process, and after reasonable attempts to obtain the consent, the LEA does not receive the consent, can the LEA proceed with the reevaluation?**
- Yes. The informed parental consent need not be obtained if the LEA can demonstrate that it made reasonable efforts to obtain such consent; and, the child's parent has failed to respond. An LEA must ensure that a reevaluation of each child with a disability is conducted in accordance with 34 CFR §§ 300.304 through 300.311.