

PROCESS CHART 1 SPECIAL EDUCATION PROCESS

Referral Through IEP Implementation

Things to Remember When Going Through This Process:

1. Existing data includes any information collected prior to a referral: progress monitoring information; concerns of parent, teachers, and the student; etc.
2. If a parent refuses consent or fails to respond to a request to provide consent for the initial evaluation, the IEP Team has the following four options:
 - a. The IEP Team may request that the parent participate in a conference to discuss his/her decision.
 - b. The public agency may ask for mediation from the ALSDE.
 - c. The public agency may initiate a due process hearing to have an impartial hearing officer to order an initial evaluation to be conducted over the parent's objections.
 - d. The public agency may decide to accept the parent's refusal.

Note: If a parent of a child who is home schooled or placed in a private school by a parent at his/her own expense does not provide consent for the initial evaluation, or the parent fails to respond to a request to provide consent, the public agency may not use the mediation and/or due process to override procedures and the public agency is not required to consider the child as eligible for services.

3. The AAC requires minimum evaluative components to determine eligibility. It is the responsibility of the IEP Team to determine if additional evaluation data are needed.
4. Upon completion of the evaluation, a team of qualified professionals (Eligibility Committee), which includes the parent or the IEP Team, must determine if the student has a disability and if the student is in need of special education (specially designed instruction) and related services.
5. The public agency has 60-calendar days from the date of receipt of the signed copy of the *Notice and Consent for Initial Evaluation* to conduct the initial evaluation. The public agency has 30-calendar days from the completion of all evaluations to determine whether the student is a student with a disability. Public agencies should document the date the agency receives the signed *Notice and Consent for Initial Evaluation* from the parent. If a student is determined to be eligible, a meeting to develop the IEP must be conducted within 30-calendar days from the date of eligibility determination.
6. For a transfer student who entered the process in one public agency before the initial evaluation was completed in the previous agency, the parent and the receiving public agency may agree to a specific timeline. The agreed upon timeline must be documented in writing on the *Initial or Reevaluation Written Agreement(s) Between the Parent and the Public Agency* form.

If a parent refuses to give consent for the provision of services, the process ends. If the parent fails to respond to a request to provide consent, the public agency must document at least two attempts to obtain consent. The public agency may not initiate a due process hearing to override the parent's refusal to give consent for the provision of special education services.