

# Part B Post-Referral Actions

**BEGIN HERE:** A primary referral source has identified and referred a child between the ages of 2 years 10 months and 16 days and 5 (not yet enrolled in kindergarten) who has a diagnosed condition with a high probability for delay, or a suspected developmental delay, or atypical development based on screening, observation or parent report.

Referral made through statewide phone or online system. Help Me Grow referral system will generate an email contacting the assigned local education agency.

Upon receipt of the referral, the local education agency will provide the family with a notice of procedural safeguards. The local education agency will gather and review information available, determine status at referral and appropriate next step:

Request for evaluation by team or parent

OR  
A disability is suspected due to professional observation or prior screening

**Screening**  
No diagnosis, prior screening or other data indicating a suspected disability is available or evident AND the team has determined that screening is appropriate

The child participates in the early childhood screening procedures that are available to all students

NO	YES
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The child participates in an individualized developmental screening and parent consent is obtained through a PWN

Screening is completed and results are shared with the parent: Is the child suspected of having a disability? Parent(s) are informed of their right to request an evaluation.

NO***	YES
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- 1) Review all available existing data including screening information, medical diagnosis, existing testing, etc.
  - 2) Propose an evaluation plan using a notice of evaluation that addresses all areas of the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities
  - 3) Obtain parental consent
  - 4) Implement evaluations as planned (complete evaluation within a reasonable amount of time not to exceed 30 school days)
    - Review medical records
    - Interview parents
    - Evaluate in all areas of suspected disability
    - Observe in setting routine to the child
    - Gather information from other sources
  - 5) Determine if child meets eligibility criteria
- |    |     |
|----|-----|
| NO | Yes |
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\*\*\*If the child participates in a screening in response to a referral and is not a child suspected of [having] a disability, provide the parents with a PWN to document the [district's] refusal [to evaluate].

**If the parent requests an evaluation at any point during this process and the district chooses to deny this request:**  
Complete a PWN including the reason that the district is refusing to act on the referral. Refusals must be completed within 14 calendar days of receiving the request.  
Minn. R. 3525.3600

**Determination that a child is NOT eligible**

- Complete an evaluation report summarizing all information obtained
- Provide parents with PWN (Notice must include a description of parents right to dispute eligibility determination through dispute resolution mechanisms, e.g. mediation, hearing or complaint)

- 1) Complete evaluation report documenting results of all information obtained including educational needs and documentation of eligibility criteria
- 2) Schedule an IEP meeting with the family including all required team members (consider the current enrollment of child in any early childhood settings).

Initial IEP team meeting must be held: 1) Within 30 calendar days of the sharing of evaluation results, 2) at a mutually agreed upon time and location, 3) in the Native language or other mode of communication of the family unless not feasible. Provide notice of a meeting early enough to allow parents to attend.

## Part B Post Referral Actions

The Individuals with Disabilities Education Act (IDEA) child find requirements permit referrals from any source. 34 C.F.R. § 300.111. Minnesota has legislated that local health, education, and social service agencies must refer children under the age of five who are known to need or suspected of needing special instruction and services to the school district. 125A.03(b)

### Receiving a referral

- 1) A primary referral source has identified and referred a child who is not yet enrolled in school (Minn.R. 3525.1350, Subp. 3 and Minn.Stat. 125A.02, Subp 1a) and has a diagnosed condition, a suspected developmental delay or atypical development, or is the subject of a substantiated case of child abuse or neglect
- 2) If a referral is made through the statewide phone or online system, the Minnesota Department of Education (MDE) will contact the designated local intake in no more than one business day after receiving a phone referral. Online referrals through Minnesota Help Me Grow are forwarded automatically to designated generic district email address. The local education agency receiving the referral will determine the appropriate next step.
- 3) The district must provide the parent with a copy of the procedural safeguard notice upon receipt of a referral.

### Acting on a referral: Screen

- 1) The team determines screening is appropriate when no diagnosis, prior screening or other data indicating a suspected disability is available.
- 2) Parental written consent is required for screening unless the screening consists of tests or evaluations that are administered to all children, unless before administration of that test or evaluation, consent is required of parents of all children. 34 C.F.R. § 300.300(d)(1)(ii). Additionally screening for instructional purposes is not an evaluation. 34 C.F.R. § 300.302.
- 3) Screen the child using appropriate instruments and trained staff.
- 4) If the screening results indicate that the child is NOT suspected of having a disability and the parents have not requested an evaluation, provide prior written notice (PWN) containing the screening results and all other required PWN components. This notice must inform the parents of their right to request a special education evaluation.
- 5) If the screening results indicate that the child is suspected of having a disability or if the parent requests an evaluation, begin the process for an initial evaluation described below.

## Acting on a referral: Evaluation and Assessment

- 1) Either a parent of a child or a public agency may initiate a request for an initial evaluation to determine if the child is a child with a disability. 34 C.F.R. § 300.301(b).
- 2) As part of an initial evaluation the evaluation team (members of the Individual Education Program (IEP) Team and other qualified professionals, as appropriate) must review existing evaluation data that may include screening information, medical diagnosis and existing evaluations. 34 C.F.R. § 300.305(a)(1).
- 3) After reviewing the existing evaluation data and considering parental input, the evaluation team determines what additional data, if any, is needed to determine if the child is a child with a disability and the educational needs of the child. 34 C.F.R. § 300.305(a)(2).
- 4) The district must present the parent with an evaluation plan and notice of evaluation that fully describes each assessment to be conducted and by whom (position or title not person's name). 34 C.F.R. § 300.503(b)(1). The proposed evaluation must be a comprehensive evaluation addressing all areas related to the suspected disability. 34 C.F.R. § 300.304(c)(4).
- 5) Once informed parental consent is obtained, the initial evaluation must be completed in a reasonable time<sup>i</sup> not to exceed 30 school days. Minn.R. 3525.2550.
- 6) Upon completion of the evaluation, a group of qualified professionals and the parents of the child determine whether the child is a child with a disability and the educational needs of the child. An evaluation report including the determination of eligibility must be completed and delivered to the parent within the 30 school day evaluation timeline. 3525.2710, subp 6. 34 C.F.R. § 300.306(a).
- 7) If it is determined the child is a child with a disability who is eligible for and in need of special education and related services, schedule an IEP team meeting with all required members. The parents of the child are required IEP team members. The purpose of this meeting is to develop an initial IEP for the child. This meeting must be scheduled within 30 calendar days of the eligibility determination. 34 C.F.R. § 300.323(c). An IEP must be in effect at the beginning of each school year for each eligible child with a disability attending a public school. 34 C.F.R. § 300.323(a).
- 8) If it is determined that the child is not eligible for special education and related services the parent is still provided with a copy of the evaluation report as well as a PWN. The notice must include a description of the parents' right to dispute the eligibility determination through dispute resolution mechanisms. 34 C.F.R. 300. § 503(b)(4) and 34 C.F.R. 300. § 504(c)(5)(6).

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<sup>i</sup> Guidance for reasonable time over the summer is provided in OSEP's 2012 Letter to Reyes