

OFFICE OF LEGISLATIVE RESEARCH  
PUBLIC ACT SUMMARY



PA 11-235—sHB 6501

*Education Committee*

**AN ACT CONCERNING DELAYS IN THE EVALUATION AND DETERMINATION PROCESS FOR STUDENTS SUSPECTED OF REQUIRING SPECIAL EDUCATION SERVICES AND THE MEMBERSHIP OF THE ADVISORY COUNCIL FOR SPECIAL EDUCATION**

**SUMMARY:** By law, school districts must evaluate children to determine their eligibility for special education and related services. This act requires the evaluation to be conducted without delay and according to state and federal special education laws and regulations. Federal special education regulations require school districts to promptly request parental consent to evaluate a child and, once the consent is granted, complete the evaluation within 60 days (see BACKGROUND).

The act expands the membership of the Advisory Council for Special Education by adding one representative each from the (1) Office of Protection and Advocacy for Persons with Disabilities, (2) Commission on Children's Parent Leadership Training Institute, and (3) Department of Social Services' Bureau of Rehabilitation Services (recently renamed the Bureau of Rehabilitative Services). It does not specify when the new appointments must be made, but by law, unchanged by the act, all appointments must be made by July 1, 2010.

EFFECTIVE DATE: July 1, 2011, except for the provision regarding the special education advisory council expansion, which is effective upon passage.

BACKGROUND

*Federal Regulations*

Federal Individuals with Disabilities Education Act regulations set requirements for evaluating children who may need special education services.

Parental consent regulations require that the school district "promptly request parental consent to evaluate the child to determine if the child needs special education and related services. . . ." (34 CFR § 300.309(c)). The district must also, with limited exceptions, adhere to the 60-day deadline to conduct evaluations (34 CFR § 300.301(c)). The exceptions include situations in which a parent does not produce the child for evaluation or the child is enrolled in another school district during the evaluation period (34 CFR § 300.301(d)).

OLR Tracking: JM:KM:VR:RO