

281—41.301(256B,34CFR300) Full and individual initial evaluations.

41.301(1) General. Each public agency must conduct a full and individual initial evaluation, in accordance with rules 281—41.304(256B,34CFR300) to 281—41.306(256B,34CFR300), before the initial provision of special education and related services to a child with a disability under this chapter.

41.301(2) Request for initial evaluation. Consistent with the consent requirements in rule 281—41.300(256B,34CFR300), 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.

41.301(3) Procedures for initial evaluation. The initial evaluation:

- a. Must be conducted within 60 calendar days of receiving parental consent for the evaluation;
- b. Must consist of procedures:
 - (1) To determine if the child is a child with a disability under this chapter; and
 - (2) To determine the educational needs of the child.

41.301(4) Exception. The time frame described in paragraph 41.301(3) “a” does not apply to a public agency if:

- a. The parent of a child repeatedly fails or refuses to produce the child for the evaluation; or
- b. A child enrolls in a school of another public agency after the relevant time frame in paragraph 41.301(3) “a” has begun, and prior to a determination by the child’s previous public agency as to whether the child is a child with a disability under this chapter.

41.301(5) Applicability of exception in paragraph 41.301(4) “b.” The exception in paragraph 41.301(4) “b” applies only if the subsequent public agency is making sufficient progress to ensure a prompt completion of the evaluation and the parent and the subsequent public agency agree to a specific time when the evaluation will be completed.

41.301(6) Content of full and individual initial evaluation. The purpose of the evaluation is to determine the educational interventions that are required to resolve the presenting problem, behaviors of concern, or suspected disability, including whether the educational interventions are special education. An evaluation shall include:

- a. An objective definition of the presenting problem, behaviors of concern, or suspected disability.
- b. Analysis of existing information about the individual, as described in paragraph 41.305(1) “a.”
- c. Identification of the individual’s strengths or areas of competence relevant to the presenting problem, behaviors of concern, or suspected disability.
- d. Collection of additional information needed to design interventions intended to resolve the presenting problem, behaviors of concern, or suspected disability, including, if appropriate, assessment or evaluation of health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, adaptive behavior and motor abilities.

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