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STATE OF TENNESSEE
DEPARTMENT OF EDUCATION
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**KEVIN
HUFFMAN**
COMMISSIONER

MEMORANDUM

TO: Directors of Special Education
LEA Assessment Personnel

FROM: Joey Hassell, Assistant Commissioner of Special Populations

DATE: March 31, 2014

Re: 60 Calendar Day Initial Evaluation Timeline Rule Change and Timeline Extension Requests

In order to align with the federal guidelines regarding the sixty (60) calendar day evaluation timeline, initial consents signed after Jan. 29, 2014 will follow the requirements of 34 C.F.R. §300.301(d) and (e) and 34 C.F.R. §300.309(c). According to these regulations, an extension of the evaluation timeline may only be requested in the following instances:

- The parent and local education agency agree in writing to extend the time line pursuant to 34 CFR 300.309(c) pending determination of the existence of a specific learning disability via the responsiveness to intervention process;
- the parent of a child repeatedly fails or refuses to produce the child for the evaluation; or,
- the child enrolls in another local education agency after the timeframe has begun and a determination of eligibility was not completed by the local education agency that commenced the initial evaluation process, the succeeding local educational agency is making sufficient progress to ensure completion of the evaluation, and the parent and the succeeding local education agency agree on a specific timeframe within which the evaluation will be completed.

Any other reason for delay will be captured on the IEP creation page of EasyIEP as a rule of completion when an initial evaluation exceeds 60 calendar days.

cc: Theresa Nicholls, Evaluation Services Coordinator
Bill Wilson, Assistant General Counsel for Special Education
Nathan Travis, Director of Data Services