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Date: May 2, 2023

To: SAT Chairpersons and Ancillary Staff

From: Baylor Del Rosario, Ph.D., Executive Director of Special Education & Health Services 

Cc: School Administrators, Special Education Teachers, and IEP Assistants

Subject: **Q&A on Revised 6.31.2 NMAC Evaluation Timeline**

SAT CHAIRPERSONS - Q&A

Q1: “When does the updated rule on evaluations go into effect?”

A: July 1, 2023.

Q2: “How are students in MLSS or SAT affected by the revised rule?”

A: A parent of a general education student who requests special education testing must be provided: (a) prior written notice (PWN) and [procedural safeguards](#) within 15 school days (approximately 3 weeks) from when the request was made.

Q3: “Does the 15 school day rule apply to students who already have an IEP?”

A: Yes. Below is an example PWN.

All Items Proposed/Considered	Proposed By	Accept	Reject	Reasons for Acceptance or Rejection
Test student for special education	Parent		X	Parent suspects her child has a disability.
Continue SAT interventions	District	X		Interventions are needed through Multilayered System of Supports (MLSS/SAT) prior to testing for special education.

Q4: “Must the district test a student if a parent requests special education testing?”

A: No. Procedures established in [MLSS](#) and [TEAM](#) must still be followed.

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Q5: “What if the parent request for special education testing is received just before a long break?”

A: The new rule allows for the PWN to be provided to the parent no later than 30 calendar if break from instruction is at least 14 calendar days. The district’s position is to provide the PWN as soon as possible prior to any school break.

Q6: “Are there times when immediate special education testing is warranted?”

A: Yes, if there is an “obvious need” (see 6.31.2.10[B][3]). SAT chairs must consult with their school’s assigned diagnostician, psychologist/social worker, or speech therapist if they suspect a student has a disability.

EVALUATORS - Q&A

Q7: “When must a completed report be provided to the parent?”

A: No later than two (2) calendar days prior to the scheduled EDT meeting. Reports may be emailed to parents with their permission or may be left at the school for parents to pick-up. The district’s position is to provide information to parents as soon as possible regardless of when the EDT meeting has been scheduled.

Q8: “When must the EDT meeting be held?”

A: Within 15 school days (approximately 3 weeks) from completion of the report. Ancillary staff should work closely with their school’s assigned diagnostician who serves as coordinator/casemanager for all evaluation related activities.

Q9: “Who determines the ‘Report Date’ if multiple evaluators are involved?”

A: The diagnostician determines the report date for all cases except for speech-only students. SLPs who serve as casemanagers for speech-only students would establish the report date and are responsible for: (a) providing the report to the parent within 2 calendar days and (b) scheduling the EDT meeting within 15 school days (approximately 3 weeks) from completion of the report.

Q10: “Must report dates be altered or adjusted to meet new requirements?”

A: No. For example, if multiple evaluators (e.g., SLP, RT, OT, etc.) are evaluating a student with some completing their reports sooner than others, the diagnostician who serves as coordinator/casemanager for

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all evaluation related activities, would determine the final report date for the initial or re-evaluation. There is no need for ancillary staff to alter or adjust dates on their individual reports.

Q11: “How does summer testing impact EDTs?”

A: EDT meetings must be scheduled within 15 school days (approximately 3 weeks) for evaluations that are completed over the summer months. The first day of the 2023-2024 school year is tentatively scheduled for August 7, 2023. Consequently, EDT meetings should be held on or before August 25, 2023.

Q12: “What about situations where there is less than 15 school days left prior to the start of summer break?”

A: Evaluators should schedule summer testing for such students with plans to schedule EDT meetings once the new school year begins. Consult with the director for preschool students and others on a case-by-case basis.