TASB Student Solutions

EVALUATION

EVALUATION PROCEDURES

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EVALUATION PROCEDURES

What Is Required

An evaluation under the IDEA is the collection of information to determine whether a student is a student with a disability, and to determine the educational needs of the student. The district must complete a REED before conducting an initial evaluation of a student, if appropriate, and as part of any reevaluation, provide the parent with a Prior Written Notice regarding the evaluation, and comply with the parental consent requirements. See [REVIEW OF EXISTING EVALUATION DATA] and [PRIOR WRITTEN NOTICE] and [CONSENT].

Initiation of Evaluation Process

A request for an initial evaluation to determine whether a student is a child with a disability may be made by either the parent or the district. If a parent submits a written request to the District or Campus Administration, including the Campus Principal, the person receiving the written request must immediately notify the District Special Education Administration of the request. District Assessment Personnel must, not later than the 15th school day after the date the District received the request, provide the parent with Prior Written Notice of its proposal or refusal to conduct an evaluation, a copy of the *Notice of Procedural Safeguards,* and a copy of the Overview of Special Education for Parents form created by TEA. If the District proposes to conduct an evaluation in accordance with the parent request, the District Assessment Personnel must also provide the parent an opportunity to provide written consent for the evaluation no later than the 15th school day after the date the district received the request.

When the District initiates a request for an initial evaluation, after the Campus Administration and/or General Education Teacher meet with the parent to explain concerns, District Assessment Personnel will provide the parent with Prior Written Notice of its proposal to conduct an evaluation, a copy of the *Notice of Procedural Safeguards,* and a copy of the Overview of Special Education for Parents form created by TEA. District Assessment Personnel must also provide the parent an opportunity to provide written consent for the evaluation.

Group of Qualified Professionals

A multi-disciplinary team of qualified professionals conducts the evaluation. Upon completion of the administration of assessment and other evaluation measures by the evaluators, a group of qualified professionals and the parent of the child determines whether the child is a child with a disability and the educational needs of the child. In Texas, the group of qualified professionals that makes this determination is the student's ARD Committee. The team of qualified professionals, or the ARD Committee, that

collects or reviews evaluation data in connection with the determination of eligibility must include but is not limited to a School Psychologist, an educational diagnostician, or other appropriately certified or licensed practitioner with experience and training in the area of the disability; or a licensed or certified professional for a specific eligibility category *See all procedures under* [EVALUATION-DISABILITIES].

For students suspected of having dyslexia or related disorders, the multidisciplinary team conducting the evaluation under the IDEA must include at least one member with specific knowledge regarding the reading process, dyslexia and related disorders, and dyslexia instruction. This individual must either (1) hold a licensed dyslexia therapist license under Chapter 403 of the Texas Occupations Code or (2) hold the most advanced dyslexia-related certification issued by an association recognized by the State Board of Education, and identified in, or substantially similar to an association identified in, the program and rules adopted under Sections 7.102 and 38.003 of the Texas Education Code or (3) if an individual qualified under (1) or (2) is not available, the member must meet the applicable training requirements adopted by the State Board of Education pursuant to Sections 7.102 and 38.003 of the Texas Education Code. The district will prioritize individuals who meet criteria (1) or (2) above. Individuals currently enrolled and participating in a credentialing program (listed in The Dyslexia Handbook) that will enable the individual to become a licensed dyslexia therapist or attain the most advanced dyslexia-related certification will be considered as meeting the criteria for (1) or (2) above. An individual serving under (3) above, within one calendar year from the date of being designated for this role, must register and complete the TEA's Texas Dyslexia Academies (TDAs); register and complete the TEA's Guidance for the Comprehensive Evaluation of a Specific Learning Disability training; and document that the member has training in current research and evidence-based assessments that are used to identify the most common characteristics of dyslexia. The member must complete updates to TEA trainings within one calendar year of the release date of revised trainings.

Initial Evaluations

The District or Campus Assessment Personnel must conduct a full and individual initial evaluation (FIIE) before providing special education and related services to a student with a disability. Before the District or Campus Assessment Personnel conducts an initial evaluation, the District or Campus Assessment Personnel must make reasonable efforts to obtain informed parental consent. If the parent does not provide consent for an initial evaluation, or if the parent fails to respond to a request to provide consent, the District may, but is not required to, pursue overriding the parent's lack of consent for the initial evaluation by utilizing the due process procedures. *See* [CONSENT]. If the District does not receive consent from the parent or decides not to pursue overriding the parent's lack of consent through the due process proceedings, the district will not proceed with the initial evaluation. If appropriate, the student may be referred to Section

504 or continue to receive appropriate general education interventions as a general education student.

The initial evaluation must consist of procedures to determine:

- Whether the student is a student with a disability; and
- The educational needs of the student.

A REED, which is likely appropriate in the majority of cases, should be completed as part of the initial evaluation process. *See* [REVIEW OF EXISTING EVALUATION DATA].

Timeline for Conducting Initial Evaluations

A written report of an initial evaluation must be completed:

- Not later than the 45th school day following the date on which the District or Campus Assessment Personnel receive written consent for the evaluation from the student's parent. If a student has been absent from school during that period on three or more school days, the period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent; or
- For students under five years of age by September 1 of the school year and not enrolled in public school, and for students enrolled in a private or home school setting, not later than the 45th school day following the date on which the District or Campus Assessment Personnel receive written consent for the evaluation from the student's parent; but

If the District or Campus Assessment Personnel receive written parent consent at least 35, but less than 45, school days before the last instructional day of the school year:

- the written report of the FIIE must be provided to the student's parent not later than June 30 of that year; or
- If the student was absent from school during that time three or more days, the written report of the FIIE must be completed not later than the 45th school day following the date on which consent was received plus the number of school days the student was absent.

If the District or Campus Assessment Personnel receive written parent consent less

than 35 school days before the last day of the school year, the written report of the FIIE must be provided to the parent:

- Not later than the 45th school day following the date on which the District Assessment Personnel received written consent for the evaluation from the student's parent. If a student has been absent from school during that period on three or more school days, the period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent.

The district must provide the parent a written copy of the initial FIE as soon as possible after completion of the report, but no later than five school days prior to the initial ARD Committee meeting in which a determination of initial eligibility will be discussed.

A student is considered absent for the school day if the student is not in attendance at the school's official attendance taking time or at the alternate attendance taking time set for that student. A student is considered in attendance if the student is off campus participating in an activity that is approved by the school board and is under the direction of a professional staff member of the District or an adjunct staff member who has a minimum of a bachelor's degree and is eligible for participation in TRS.

In determining evaluation timelines, a “school day” does not include a day that falls after the last instructional day of the spring school term and before the first instructional day of the subsequent fall term.

If the student was in the process of being evaluated for special education eligibility by another district and enrolls in the District before the previous district completes the initial evaluation, the District must coordinate with the previous district as necessary and as expeditiously as possible to ensure a prompt completion of the evaluation. *See* [CHILDREN WHO TRANSFER OR RECENTLY REGISTERED].

Reevaluations

District Assessment Personnel will complete a REED to determine if a formal reevaluation is necessary for the student. *See* [REVIEW OF EXISTING EVALUATION DATA]. A reevaluation of a student with a disability will be completed:

- if the ARD Committee determines through the REED that the educational or related services needs of the student warrant a reevaluation, including improved academic achievement and functional performance;
- if a reevaluation is requested by the student’s parents or teacher; or

- before determining that the student is no longer a student with a disability.

A reevaluation must occur not more frequently than once a year, unless the parent and the ARD Committee, through the REED, agree otherwise, and at least every three years, unless the parent and the ARD Committee, through the REED, agree that a reevaluation is unnecessary. *See* [REVIEW OF EXISTING EVALUATION DATA] A student may be dismissed from Special Education if the REED indicates no additional evaluation is needed to determine a disability is no longer present or there is not a need for specially designed instruction to progress in the general education curriculum.

Evaluation Procedures

When conducting the evaluation, District Assessment Personnel must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, including information provided by the parent, that may assist in determining:

- Whether the student is a student with a disability; and
- The content of the student's IEP, including information related to enabling the student to be involved in and progress in the general education curriculum, or for the preschool student, to participate in appropriate activities.

District or Campus Assessment Personnel must use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. These assessments and other evaluation materials include those tailored to assess areas of educational need and not merely those that are designed to provide a single general intelligence quota.

The assessments and other evaluation materials used to assess the student must be selected and administered so as not to be discriminatory on a racial or cultural basis. In addition, the assessments and other evaluation materials must be provided and administered in the student's native language or other mode of communication and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally (unless it is not feasible to provide or administer in that fashion).

The assessment instruments must be used for the purposes for which the assessments or measures are valid and reliable and must be administered by trained and knowledgeable personnel who administer the assessments in accordance with any instructions provided by their producers.

The assessments used by District Assessment Personnel must be selected and administered so as best to ensure that if an assessment is administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level, or whatever other factors the test

purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure). The procedures used will differentiate between language proficiency and disability.

The evaluation must be sufficiently comprehensive to ensure that the student is assessed in all areas of suspected disability, including, if appropriate:

- Health;
- Vision;
- Hearing;
- Social and emotional status;
- General intelligence;
- Academic performance;
- Communicative status and
- Motor abilities.

The evaluation must also be sufficiently comprehensive to identify all the student's special education and related service needs, whether or not commonly linked to the disability category in which the student has been classified.

Once the FIE is completed, the ARD Committee must review the evaluation. If a determination is made that the student has a disability and needs special education and related services, an IEP will be developed for the student. *See* [FAPE COMPOSITE - DETERMINATION OF ELIGIBILITY]

Additional Procedures

District Assessment Personnel will ensure that all timelines are followed and that evaluations are completed in accordance with federal and state law. In that regard, District Assessment Lead Personnel or designated personnel will track the initiation, assignment, and completion of all initial referrals, initial evaluations, and reevaluations utilizing the district's evaluation tracking system. The Campus and/or District Special Education Personnel assigned to review the evaluation referral packet will identify suspected areas of disability and communicate this information when submitting documentation to the District Assessment Personnel. A REED should be conducted as part of this process. *See* [REVIEW OF EXISTING EVALUATION DATA]. Based on this information, the District Assessment Lead Personnel will assign required members to

the multi-disciplinary team responsible for completion of the evaluation. If, during the course of the evaluation, the team responsible for the evaluation identifies additional areas of suspected disability, they will notify the District Assessment Lead Personnel so that appropriately qualified personnel can be included. *See qualified personnel needed for each disability category under* [EVALUATION-DISABILITIES].

District Assessment Personnel will monitor and manage all of the evaluations for their area or team and provide weekly and/or monthly progress updates to the Special Education Director or designee in order to ensure that SPPI 11 and 12 timelines are met.

For all evaluations, District Assessment Personnel will ensure that current versions of applicable assessments are used and that those administering the assessments have adequate familiarity with how the test is to be administered. This includes ensuring that the instruments used in an evaluation are valid, reliable, and administered in accordance with the instructions provided by the producer of the assessment. The Assessment Personnel will also consider whether any extenuating circumstances exist that might impact the assessment such as the health of the student, environmental factors, absences, or other outside influences.

Evaluations help ARD Committees identify the specialized instruction and related services students with disabilities need to receive FAPE, in addition to being used for eligibility purposes. It is imperative for staff working directly with the student to share information about the student's progress or lack of progress or changed circumstances so that an ARD Committee can determine if additional assessment is indicated.

District Assessment Personnel will ensure that all assessments are comprehensive and address all concerns and suspected areas of disabilities. Prior to beginning the evaluation, District Assessment Personnel will communicate with the student's parent(s), teachers, and other relevant Campus Personnel regarding the student to ensure the student is assessed in all suspected areas of disabilities.

The following are components of a full and individual evaluation:

- Reason for Referral
- Sources of Data
- Sociological
- Family History
- Educational History
- Test Conditions and Behavior
- Language/Communication
- Physical/Developmental/Medical

- Academic Achievement/Educational Performance Levels
- Intellectual/Cognitive Functioning
- Adaptive Behavior
- Emotional/Behavioral/Social Functioning
- Assistive Technology
- Post-Secondary Transition
- Conclusions
- Recommendations
- Assurances
- Signatures of multidisciplinary team members

The District Assessment Personnel will summarize the pertinent findings in all of the above areas, if appropriate, in the FIE and will document the members of the multi-disciplinary team as participants in the FIE. For any related services being considered (i.e., OT, PT, Counseling, AT, School Health Services, etc.), the District Assessment Personnel will ensure that the FIE includes an assessment and information relevant for the ARD Committee to determine whether that related service is appropriate for the student.

The District Assessment Personnel will place the final FIE and any relevant supporting data in the student's eligibility folder located at the District Special Education office. All original protocols or other assessment materials will be maintained in the file of the District Assessment Personnel and will not be copied. If the parent requests copies of the protocols, a District Assessment Personnel will instead meet with the parent at a mutually-agreeable time to review the protocols and information with the parent.

The FIE report for a reevaluation will be provided to the parent within a reasonable time before the ARD Committee meeting. For an initial evaluation, the District Assessment of Special Education Personnel will provide the parent with a written copy of the FIE report at least five days prior to the ARD Committee meeting. When possible, the District Assessment Personnel will review the results of the evaluation prior to the ARD Committee meeting in a face-to-face meeting with the parent. For reevaluations, a face-to-face meeting may not be necessary; however, the results of the evaluation should be reviewed with the parent prior to the ARD Committee meeting.

Upon completion of the evaluation, each member of the evaluation team should sign the FIE. If the student meets the criteria for one or more of the IDEA eligibility areas, a Disability Report in the area or areas will be completed and the FIE will be shared with the ARD Committee to determine eligibility. If a determination is made by the ARD Committee that the student has a disability and needs special education and related services, an IEP must be developed for the student. Or, if the re-evaluation indicates a

need for changes to the student's IEP, an ARD Committee will meet to review and revise the student's current program.

If the student does not meet one of the eligibility criteria under the IDEA or does not need special education or related services due to his/her disability, as determined by the student's ARD Committee, Campus Personnel should refer the student to the Campus Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services under Section 504. All students who do not qualify for special education under the IDEA and/or Section 504 should be referred back to the Campus Student Support Team for regular education interventions, if needed. Students who receive services through special education or Section 504 plans are also eligible for regular education interventions, although such interventions shall not be used to delay the need for an additional evaluation.

Parent Request for Evaluation

A parent may submit a written request for an initial evaluation to District or Campus Administration by hand delivery or through mail, email, or fax. The request from the parent does not need to include any specific language. If the parent requests an evaluation or is requesting special education or related services, the district will consider that a request for an initial evaluation. District or Campus Administration receiving the request will notate the request with the date of the school day it was received (or opened). If the request is received after 4 pm, the request should be notated with the date of the next school day. If the request is received on a weekend or on a school staff holiday, the date notation should reflect the next date school is in session. The District or Campus Administration should promptly notify the District Special Education Administration of the written request for an initial evaluation. If a parent submits the written request for initial evaluation to District or Campus Personnel other than an administrator, the person who receives the written request will follow the same procedures as for a written request submitted to an administrator.

Should a parent or guardian make an oral request for an initial evaluation to District or Campus Personnel over the phone or in person, the District or Campus Personnel will immediately notify the District Special Education Administration of the request. Campus Administration will promptly advise the parent or guardian regarding how to submit a proper written request. Campus Personnel should be trained to connect the parent to a Campus or District Administrator who can assist the parent with the written request. If a parent does not follow an oral request for an initial evaluation with the written request, the staff to whom the oral request was made will document this information and immediately submit it to the District Special Education Administration. Follow up to this request will occur in a timely manner. District or Campus Special Education Administration will train all District staff on this process each year.

District Special Education Personnel will respond no later than fifteen (15) school days after a written request from the parent or guardian is received by the District or Campus Administration whether the district agrees to or refuses to evaluate the student. School day does not include a day that falls after the last instructional day of the spring school term and before the first instructional day of the subsequent fall term (i.e., summer break).

If District Special Education Personnel propose that an evaluation should be completed, the District Special Education Personnel will provide the parent with a Prior Written Notice, a copy of the Notice of Procedural Safeguards, a copy of the Parent's Guide to the Admission, Review, and Dismissal Process, and a copy of the Overview of Special Education for Parents form created by TEA. District Special Education Personnel will provide the parent an opportunity to give written consent for the evaluation no later than 15 school days after the written request was received.

If District Special Education Personnel decide that an evaluation is not warranted at this time, District Special Education Personnel shall provide the parent with a Prior Written Notice, a copy of the Notice of Procedural Safeguards, and a copy of the Overview of Special Education for Parents form created by TEA by the 15-school day deadline. In addition, District or Campus Special Education Personnel shall refer the student to the Student Support Team and/or Campus Administration to address the parent concerns and monitor student progress. *See* [PRIOR WRITTEN NOTICE].

The District Special Education Personnel should ensure that the parent signs written acknowledgement of receipt of the Prior Written Notice, the Notice of Procedural Safeguards, the Parent's Guide to the Admission, Review and Dismissal Process, and the Overview of Special Education for Parents form created by TEA. Such documentation will be kept in the Referral section of the student's special education eligibility folder if the student is referred for an initial evaluation or, if an evaluation is refused, in the student's referral folder maintained at the district Special Education Department. If written acknowledgement of receipt of the Prior Written Notice, Procedural Safeguards, and the Overview of Special Education for Parents form created by TEA is unable to be attained, the manner in which the Notice and Procedural Safeguards was provided will be documented and kept in the folder. See [PRIOR WRITTEN NOTICE] and [SPECIAL EDUCATION ELIGIBILITY FOLDER]

District or Campus Personnel will follow the same process above when a parent's home language is a language other than English, including acceptance of the request for an evaluation written in the parent's native language. The District or Campus Personnel will provide communication and all notices in the parent's native language and/or utilize the services of a translator or translation service approved by the district so that the parent understands the content of the communication and required notices.

Initial Evaluations

For initial evaluations, District Special Education Personnel (preferably the Special Education Assessment Personnel and/or in consultation with Special Education Assessment Personnel) will meet (in-person, on the phone, or via virtual meets) with parents to explain the evaluation process and attain informed consent to evaluate. District Special Education Assessment Personnel will notate the date consent was signed and the date on which the assessment must be completed. A student's absences during the assessment process will be monitored in case the assessment deadline needs to be adjusted due to student absences.

District or Campus Assessment Personnel will collect and review relevant information before deciding what specific assessments will be administered for an initial FIE. This should be done through a REED. *See* [REVIEW OF EXISTING EVALUATION DATA]. This collection of information will include some or all of the following:

- Concerns from parent regarding the student's academic, developmental, emotional, or functional performance, including any suspected disability
- Concerns from teacher(s) or other Campus Personnel regarding the student's academic, developmental, emotional, or functional performance in the classroom, including any suspected disability
- Parent Information Form
- Teacher Observation Form
- Documentation of all interventions or accommodations provided to the student and the result of those interventions or accommodations
- Hearing and vision information
- Report card or other grade reports
- Attendance records
- Student profile information
- State & District assessment results
- Dyslexia screenings/evaluations
- Work samples
- Communication skills documentation
- Behavior logs and/or disciplinary referrals
- LPAC information (if applicable)
- Home language survey
- Section 504 documents (if applicable)
- Information received from outside sources (i.e., medical/psychological reports)

This data will inform the type of formal and informal assessments that will be conducted/utilized. However, District or Campus Assessment Personnel will inform the parent and consent will be obtained to conduct a comprehensive evaluation in all areas of suspected disability and need. The parent may not limit the scope of the evaluation.

If during the process of an evaluation, additional information supports expanding the evaluation into an area which was not originally suspected, the multi-disciplinary District Assessment team that reviews and conducts the evaluation will collaborate regarding

the scope of the evaluation and ensure that all areas of suspected disability and need are fully evaluated within the applicable timelines.

Once the initial FIE is completed, the ARD Committee will meet to review the evaluation. The ARD Committee will meet to review an initial FIE within 30 calendar days from the date of the completion of the initial FIE. If the 30th day falls during the summer and the school is not in session, the ARD Committee must convene not later than the 15th school day of the following school year. If ESY is recommended, the ARD Committee must meet as soon as possible following the completion of the report. The parent will be provided a written copy of the initial FIE report no less than five days prior to the ARD Committee meeting.

Reevaluations

A reevaluation may occur not more than once a year, unless the parent and the district agree otherwise, and must occur at least once every 3 years. Unlike initial evaluations, there is no timeline from the date of parental consent for a reevaluation to be completed. The ARD Committee should determine the evaluation completion date. As part of all reevaluations, the ARD Committee will conduct a REED to determine the scope of the reevaluation. *See* [REVIEW OF EXISTING EVALUATION DATA]. All REED meetings should be conducted at least 45 days prior to the 3-year reevaluation due date, or sooner, if the student's circumstances warrant an earlier timeframe. If formal assessment is recommended as part of the REED by the ARD Committee, parental consent will be obtained by the District Assessment Personnel and all components of the FIE will be completed. *See* [PRIOR WRITTEN NOTICE] and [CONSENT FOR REEVALUATION]. If the ARD Committee determines that no additional formal assessments are needed, the REED becomes the reevaluation report and should then be presented at an ARD Committee meeting (if the REED meeting was not at an ARD Committee meeting) and specific eligibility and need for services should be reviewed.

Contracting With Outside Evaluation Providers

The district may contract with outside providers to conduct initial evaluations and reevaluations for District students, if necessary. The district will comply with all

procurement policies and procedures regarding these contracts, including solicitation of request for proposals, if required by Board policy.

The district will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

Evidence of Implementation

- Referral Packet
- Assessment Plan
- Notice of FIE
- Consent for FIE
- REED
- FIE
- ARD/IEP
- Graduation ARD Document

Resources

The Texas Legal Framework for the Child-Centered Special Education Process: Evaluation Procedures Framework - Region 18

Technical Assistance: Child Find and Evaluation- Texas SPED Support (Texas Education Agency)

OSEP Letter to Mintz (Feb. 10, 2011) - U.S. Department of Education

OSEP Letter to Blodgett (Nov. 12, 2014) - U.S. Department of Education

OSEP Letter to Unnerstall (Apr. 25, 2016) - U.S. Department of Education

Letter to Zirkel (Dec. 11, 2008) - U.S. Department of Education

Letter to Zirkel (Jan. 6, 2011) - U.S. Department of Education

Evaluation and Reevaluation - SPEDTEX

Overview of Special Education for Parents – Texas Education Agency

Citations

Board Policy EHBAA; 34 CFR 300.8(a)(1), 300.301, 300.303, 300.304(b)–(c), 300.305(e), 300.306(a)(1); Texas Education Code 29.004; 19 TAC 89.1011, 89.1040(b)–(c), 89.1050(a), 89.1070, 89.1230