



EVALUATION PROCEDURES

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Legal Framework: EVALUATION PROCEDURES

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Broad Category: EVALUATION

I. TIMELINE – INITIAL REFERRAL TO EVALUATION

§300.301 Initial evaluations.

- (a) **General.** Each public agency must conduct a full and individual initial evaluation, in accordance with §300.304 through §300.306, before the initial provision of special education and related services to a child with a disability under this part.
- (b) **Request for initial evaluation.** Consistent with the consent requirements in §300.300, either a parent of a child, or the public agency, may initiate a request for an initial evaluation to determine if the child is a child with a disability.
- (c) **Procedures for initial evaluation.** The initial evaluation--
- (1) (i) Must be conducted within 60 days of receiving parental consent for the evaluation; or
(ii) If the State establishes a timeframe within which the evaluation must be conducted, within that timeframe; and
 - (2) Must consist of procedures--
 - (i) To determine if the child is a child with a disability under §300.8; and
 - (ii) To determine the educational needs of the child.
- (d) **Exception.** The timeframe described in paragraph (c)(1) of this section shall not apply to the public agency if--
- (1) The parent of a child repeatedly fails or refuses to produce the child for the evaluation; or
 - (2) A child enrolls in a school of another public agency after the relevant timeframe in paragraph (c)(1) of this section 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 §300.8.
- (e) The exception in paragraph (d)(2) of this section applies only if the subsequent public agency is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent public agency agree to a specific time when the evaluation will be completed. (Authority: 20 U.S.C. 1414(a))

TEC§ 29.004 Full and Individual Initial Evaluation (authorizing statute for §89.1011)

- (a) A written report of a full individual and initial evaluation of a student for purposes of special education services shall be completed as follows, except as otherwise provided by this section:
- (1) not later than the 45th school day following the date on which the school district, in accordance with 20 U.S.C. Section 1414(a), as amended, receives written consent for the evaluation, signed by the student's parent or legal guardian, except that if a student has been absent from school during that period on three or more days, that 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
 - (2) 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 school district receives written consent for the evaluation, signed by a student's parent or legal guardian.
- (a-1) If a school district receives written consent signed by a student's parent or legal guardian for a full individual and initial evaluation of a student at least 35 but less than 45 school days before the last instructional day of the school year, the evaluation must be completed and the written report of the evaluation must be provided to the parent or legal guardian not later than June 30th of that year. The



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student's admission, review, and dismissal committee shall meet not later than the 15th school day of the following school year to consider the evaluation. If a district receives written consent signed by a student's parent or legal guardian less than 35 school days before the last instructional day of the school year or if the district receives the written consent at least 35 but less than 45 school days before the last instructional day of the school year but the student is absent from school during that period on three or more days, Subsection (a)(1) applies to the date the written report of the full individual and initial evaluation is required.

(a-2) For purposes of this section, "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 school term. The commissioner by rule may determine days during which year-round schools are recessed that, consistent with this subsection, are not considered to be school days for purposes of this section.

(a-3) Subsection (a) does not impair any rights of an infant or toddler with a disability who is receiving early intervention services in accordance with 20 U.S.C. Section 1431.

(b) The evaluation shall be conducted using procedures that are appropriate for the student's most proficient method of communication.

(c) If a parent or legal guardian makes a written request to a school district's director of special education services or to a district administrative employee, such as a campus administrator, for a full individual and initial evaluation of a student, the district shall, not later than the 15th school day after the date the district receives the request:

(1) provide an opportunity for the parent or legal guardian to give written consent for the evaluation; and provide the parent or legal guardian with notice of procedural safeguards and Overview of Special Education for Parents; or

(2) refuse to provide the evaluation and provide the parent or legal guardian with notice of procedural safeguards under 20 U.S.C. Section 1415(b) and Overview of Special Education for Parents.

SECTION 2. Section 29.004, Education Code, as amended by this Act, applies to completion of a report of a full individual and initial evaluation of a public school student for purposes of special education services only as to an initial evaluation performed on or after September 1, 2013.

SECTION 3. This Act takes effect September 1, 2013.

TAC §89.1011. Full Individual and Initial Evaluation.

(a) Referral of students for a full individual and initial evaluation for possible special education services must be a part of the district's overall, general education referral or screening system. Prior to referral, students experiencing difficulty in the general classroom should be considered for all support services available to all students, such as tutorial; remedial; compensatory; response to evidence-based intervention; and other academic or behavior support services. If the student continues to experience difficulty in the general classroom after the provision of interventions, district personnel must refer the student for a full individual and initial evaluation. This referral for a full individual and initial evaluation may be initiated by school personnel, the student's parents or legal guardian, or another person involved in the education or care of the student.

(b) If a parent submits a written request to a school district's director of special education services or to a district administrative employee, such as a campus administrator, for a full individual and initial evaluation of a student, the school district must, not later than the 15th school day after the date the district receives the request:

(1) provide the parent with prior written notice of its proposal to conduct an evaluation consistent with 34 Code of Federal Regulations (CFR), §300.503; a copy of the procedural safeguards notice required by 34 CFR, §300.504; a copy of the Overview of Special Education for parents; and an opportunity to give written consent for the evaluation; or

(2) provide the parent with prior written notice of its refusal to conduct an evaluation consistent with 34



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CFR, §300.503, and a copy of the procedural safeguards notice required by 34 CFR, §300.504; and a copy of the Overview of Special Education for parents.

(c) Except as otherwise provided in this section, a written report of a full individual and initial evaluation of a student must be completed as follows:

(1) not later than the 45th school day following the date on which the school district receives written consent for the evaluation from the student's parent, except that if a student has been absent from school during that period on three or more school days, that 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

(2) 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 homeschool setting, not later than the 45th school day following the date on which the school district receives written consent for the evaluation from the student's parent.

(d) The admission, review, and dismissal (ARD) committee must make its decisions regarding a student's initial eligibility determination and, if appropriate, individualized education program (IEP) and placement within 30 calendar days from the date of the completion of the written full individual and initial evaluation report. If the 30th day falls during the summer and school is not in session, the student's ARD committee has until the 15th school day to finalize decisions concerning the student's initial eligibility determination, IEP, and placement, unless the full individual and initial evaluation indicates that the student will need extended school year services during that summer.

(e) Notwithstanding the timelines in subsections (c) and (d) of this section, if the school district received the written consent for the evaluation from the student's parent at least 35 but less than 45 school days before the last instructional day of the school year, the written report of a full individual and initial evaluation of a student must be provided to the student's parent not later than June 30 of that year. The student's ARD committee must meet not later than the 15th school day of the following school year to consider the evaluation. If, however, the student was absent from school three or more days between the time that the school district received written consent and the last instructional day of the school year, the timeline in subsection (c)(1) of this section applies to the date the written report of the full individual and initial evaluation is required. If an initial evaluation completed not later than June 30 indicates that the student will need extended school year services during that summer, the ARD committee must meet as expeditiously as possible.

(f) If a student was in the process of being evaluated for special education eligibility by a school district and enrolls in another school district before the previous school district completed the full individual and initial evaluation, the new school district must coordinate with the previous school district as necessary and as expeditiously as possible to ensure a prompt completion of the evaluation in accordance with 34 CFR, §300.301(d)(2) and (e) and §300.304(c)(5). The timelines in subsections (c) and (e) of this section do not apply in such a situation if:

(1) the new school district is making sufficient progress to ensure a prompt completion of the evaluation; and

(2) the parent and the new school district agree to a specific time when the evaluation will be completed.

(g) For purposes of subsections (b), (c), and (e) of this section, 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 school term.

(h) For purposes of subsections (c)(1) and (e) of this section, 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 school district, or an adjunct staff member who has a minimum of a bachelor's degree and is eligible for participation in the Teacher Retirement System of Texas.

A request for an initial evaluation by a parent may be provided in writing to the campus administrator or a district



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administrative employee. For purposes of 89.1011(b) regarding the written parental request for a full and individual initial evaluation, the definition of a district administrative employee is considered to be the local campus principal or assistant principal where a student attends. MISD monitors all referrals and/or request for evaluations and timeline compliance through the district referral procedures and RtI/MTSS Committee procedures.

MISD will respond to the written request from the parent for an initial evaluation for special education not later than the 15th school day after the date the district receives the written or verbal request with either the prior written notice of the district's proposal to conduct the evaluation and an opportunity to give written consent for the evaluation or the notice of the district's refusal to conduct the evaluation. A copy of the [Procedural Safeguards](#) and [Overview of Special Education for Parents](#) will be provided to the parent. The district will maintain documentation of all communication with the parent regarding the request. The district has procedures for securing interpreters when obtaining informed parental consent for an evaluation from parents when the home language is not English.

When planning the evaluation, all data, including any outside evaluations, will be considered when determining the assessment that will take place. A multidisciplinary team will complete the evaluation, and required evaluation members will participate depending on the disability(ies) suspected.

Timelines for initial referrals and FIEs are tracked through the District's online platform, which requires initial referral dates, provides dates for initial timelines, and requires FIE dates. Additionally, assigned district staff will monitor timelines by completing regular audits. When required, additional training is provided and procedural enhancements are developed in order to correct any noncompliant actions related to initial timelines.

§300.15 Evaluation. Evaluation means procedures used in accordance with §§300.304 through 300.311 to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs. (Authority: 20 U.S.C. 1414(a)—(c))

§300.302 Screening for instructional purposes is not evaluation.

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services. (Authority: 20 U.S.C. 1414(a)(1)(E))

Special Education Department Responsibilities

A. Referral Packet

1. When the MISD RtI/MTSS Committee determines a referral for special education evaluation is needed, an Initial Referral Packet will be used at each campus.
2. The MISD designee completes the sections documenting MISD activities and all existing data for the Initial Referral Packet. The MISD designee is responsible for meeting with the parent providing the explanation of the referral. In addition, the campus evaluation staff will provide explanation of Procedural Safeguards, Notice of Evaluation and for obtaining written Consent for the Evaluation.
3. The MISD designee submits the completed packet to the Special Education designee noting the important timeline date (the day that the written "Consent for Evaluation" form is received by the school). This date begins the timeline for the evaluation process.



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4. The district evaluation personnel marks on the Referral packet (and in the special education electronic system): the date the signed Parent Consent for Evaluation is received by the school and the date the FIE is due. (following the state regulations for the timeline for evaluation)
5. The district evaluation personnel will determine the evaluations needed and will contact appropriate special education personnel to assist and/or conduct the evaluation (if student is suspected of a deaf or hard of hearing impairment, visual impairment (VI), bilingual, etc.)
6. The evaluation personnel will conduct the evaluation and complete the written report for the Full and Individual Initial Evaluation (FIE).
7. The appropriate campus personnel who send the Notice of ARD Meeting are notified when the report is completed in order to schedule the ARD/IEP meeting.

B. Schedule ARD/IEP Meeting

1. The campus evaluator notifies campus staff that the FIE report is written and ready for the ARD/IEP committee's review.
2. Keeping within the timelines, the campus designee coordinates with the required ARD committee members for a date/time for the ARD/IEP meeting. Coordination with the parent may be done by phone calls or emails. The campus evaluator will make every attempt to review the written report with the parent prior to the ARD/IEP committee meeting.
3. A copy of the written evaluation report must be provided to the student's parents as soon as possible after completion of the report but no later than five school days prior to the initial admission, review, and dismissal (ARD) committee meeting in accordance with 19 TAC §89.1011 (or not later than June 30th if the evaluation timeline was at least 35 but less than 45 school days before the last instructional day and less than 3 absences).
4. The designated district personnel schedules the ARD/IEP meeting, completes the Invitation to ARD paperwork and sends the first written Notice to the parent and/or adult student as required. Notification of the ARD/IEP committee meeting will also be provided to all those who are requested to attend the meeting. (See Procedural Safeguards, section 7 of this manual, for specific requirements on fulfilling the Notice requirement.)
5. The parent must be provided the Invitation to ARD at least 5 school days prior to the date of the meeting. The parents may choose to waive the 5 day Notice Requirement.
6. The Invitation to ARD and all documentation is included in the computerized IEP system utilized by the district.

C. Timeline for ARD/IEP Meeting

TAC § 89.1011 (d)

The admission, review, and dismissal (ARD) committee must make its decisions regarding a student's initial eligibility determination and, if appropriate, individualized education program (IEP) and placement within 30 calendar days from the date of the completion of the written full individual and initial evaluation report. If the 30th day falls during the summer and school is not in session, the student's ARD committee has until the 15th school day to finalize decisions concerning the student's initial eligibility determination, IEP, and placement, unless the full individual and initial evaluation indicates that the student will need extended school year services during that summer.

D. Transfers from Outside the District – already in Special Education



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For students who are new to MISD and have received special education services in the student's previous school district, regular referral procedures are bypassed. Transfer Procedures are to be followed.

II. REEDs/RE-EVALUATIONS

§300.305 Additional requirements for evaluations and reevaluations.

(a) **Review of existing evaluation data.** As part of an initial evaluation (if appropriate) and as part of any reevaluation under this part, the IEP Team and other qualified professionals, as appropriate, must--

(1) Review existing evaluation data on the child, including--

- (i) Evaluations and information provided by the parents of the child;
- (ii) Current classroom-based local or State assessments, and classroom-based observations; and
- (iii) Observations by teachers and related services providers; and

(2) On the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine--

- (i) (A) Whether the child is a child with a disability, as defined in §300.8, and the educational needs of the child; or
- (B) In case of a reevaluation of a child, whether the child continues to have such a disability, and the educational needs of the child;
- (ii) The present levels of academic achievement and related developmental needs of the child;
- (iii) (A) Whether the child needs special education and related services; or
- (B) In the case of a reevaluation of a child, whether the child continues to need special education and related services; and
- (iv) Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general education curriculum.

(b) **Conduct of review.** The group described in paragraph (a) of this section may conduct its review without a meeting.

(c) **Source of data.** The public agency must administer such assessments and other evaluation measures as may be needed to produce the data identified under paragraph (a) of this section.

(d) **Requirements if additional data are not needed.**

(1) If the IEP Team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the child continues to be a child with a disability, and to determine the child's educational needs, the public agency must notify the child's parents of--

- (i) That determination and the reasons for the determination; and
- (ii) The right of the parents to request an assessment to determine whether the child continues to be a child with a disability, and to determine the child's educational needs.

(2) The public agency is not required to conduct the assessment described in paragraph (d)(1)(ii) of this section unless requested to do so by the child's parents.

(e) **Evaluations before change in eligibility.**

(1) Except as provided in paragraph (e)(2) of this section, the public agency must evaluate a child with a disability in accordance with §§300.304 through 300.311 before determining that the child is no longer a child with a disability.

(2) The evaluation described in paragraph (e)(1) of this section is not required before the termination of a child's eligibility under this part due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for FAPE under State law.

(3) For a child whose eligibility terminates under circumstances described in paragraph (e)(2) of this



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section, the public agency must provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals. (Authority: 20 U.S.C. 1414(c))

The group of qualified professionals in the MISD to conduct the REED must include the same members that are required for attendance at the ARD / IEP committee meeting and the specific individuals required to participate in the evaluation of the student that are unique to that child's disability as defined in §300.304(c) and as specifically required for children with a visual impairment and or children who are deaf or hard of hearing.

Beginning with the 2014-2015 school year, the scope of any reevaluation of a student who has been determined, after the full individual and initial evaluation, to be eligible for the district's special education program on the basis of a visual impairment must be determined, in accordance with 34 CFR, §§300.122 and 300.303-300.311, by a multidisciplinary team that includes an appropriately certified orientation and mobility specialist.

The district will maintain all REED documentation on the district required forms and archived in the electronic data system. All evaluation reports and REED documents must be signed and dated as per the district guidelines.

If the decision is made that no additional data is needed to determine that the child continues to be a child with a disability, and to determine the child's educational needs, the new FIE date will be the date of the REED documentation. If the decision is made that additional data is needed, notice of evaluation will be provided and consent from parents sought as appropriate. With parental consent, additional evaluation will take place in order to complete a FIE, and reevaluation procedures will be followed.

§300.303 Reevaluations.

(a) General. A public agency must ensure that a reevaluation of each child with a disability is conducted in accordance with §§300.304 through 300.311

- (1) If the public agency determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or**
- (2) If the child's parent or teacher requests a reevaluation.**

(b) Limitation. A reevaluation conducted under paragraph (a) of this section--

- (1) May occur not more than once a year, unless the parent and the public agency agree otherwise; and**
- (2) Must occur at least once every 3 years, unless the parent and the public agency agree that a reevaluation is unnecessary. (Authority: 20 U.S.C. 1414(a)(2))**

As part of an initial evaluation (if appropriate) and as part of any reevaluation The ARD/IEP committee members and other professionals (as needed) will review any existing evaluation, including any outside evaluations, on a child to identify what additional data is needed to determine if the child continues to have a disability and has a need for special education and related services and if there are any additions or modifications to the services or supports for the student to meet the annual goals and requirements of the IEP.

The review of existing evaluation data (REED) is part of the reevaluation process and the MISD is not required to obtain parental consent before reviewing existing data as part of an evaluation or reevaluation. §300.300(d)(1)(i) and (Feb. 6, 2007, OSEP Letter to Anonymous)

The MISD will present REED information and any additional evaluation information to the entire IEP team.

The ARD/IEP committee meeting to discuss the reevaluation and to complete the REED process can be conducted



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at the annual ARD/IEP committee meeting. If a three year evaluation is due in August or September, the REED ARD/IEP Committee meeting may be conducted at least 30 days prior to the end of the previous school year.

If the reevaluation is for additional assessments requested by the ARD/IEP Committee to determine behavioral supports, related services such as therapies or other needs and change is noted that would require discussion of eligibility or services, the assessments and written evaluation report must be completed by the 3 year evaluation date and the ARD/IEP meeting will be scheduled within 30 calendar days from the date of the completion of the written full and individual evaluation report.

If the reevaluation is for additional assessments requested by the parent, teacher, or other individual who works with the child and is not part of a three year reevaluation process, an ARD/IEP committee will develop the REED to determine what additional assessments and information are needed and to incorporate the information needed to complete the reevaluation process. If the ARD/IEP Committee determines that only specific requested evaluations will be completed to determine the need for additional services and/or eligibilities and the complete FIE process is not completed, then the original due date for the three year re-evaluation may not be changed to reflect the date of the additional evaluation report.

III. EVALUATION PROCEDURES

§300.304 Evaluation procedures.

(a) Notice. The public agency will provide notice to the parents of a child with a disability, in accordance with §300.503, that describes any evaluation procedures the agency proposes to conduct.

(b) Conduct of evaluation. In conducting the evaluation, the public agency will --

(1) Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent, that may assist in determining--

(i) Whether the child is a child with a disability under §300.8; and

(ii) The content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities);

(2) Not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child; and

(3) Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

c) Other evaluation procedures. Each public agency must ensure that--

(1) Assessments and other evaluation materials used to assess a child under this part--

(i) Are selected and administered so as not to be discriminatory on a racial or cultural basis;

(ii) Are provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer;

(iii) Are used for the purposes for which the assessments or measures are valid and reliable;

(iv) Are administered by trained and knowledgeable personnel; and

(v) Are administered in accordance with any instructions provided by the producer of the assessments.

(2) Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence



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(3) Assessments are selected and administered so as best to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).

(4) The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;

(5) Assessments of children with disabilities who transfer from one public agency to another public agency in the same school year are coordinated with those children's prior and subsequent schools, as necessary and as expeditiously as possible, consistent with §300.301 (d)(2) and (e), to ensure prompt completion of full evaluations.

(6) In evaluating each child with a disability under §§300.304 through 300.306, the evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.

(7) Assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided.

§89.1230 (a) Eligible Students with Disabilities

School districts shall implement assessment procedures that differentiate between language proficiency and handicapping conditions in accordance with Subchapter AA of this chapter (relating to Commissioner's Rules Concerning Special Education Services) and shall establish placement procedures that ensure that placement in a bilingual education or English as a second language program is not refused solely because the student has a disability.

§29.310 Procedures and Materials for Assessment and Placement.

(a) Procedures and materials for assessment and placement of students who are deaf or hard of hearing shall be selected and administered so as not to be racially, culturally, or sexually discriminatory.

(b) A single assessment instrument may not be the sole criterion for determining the placement of a student.

(c) The procedures and materials for the assessment and placement of a student who is deaf or hard of hearing shall be in the student's preferred mode of communication. All other procedures and materials used with any student who is deaf or hard of hearing and who has limited English proficiency shall be in the student's preferred mode of communication.

MISD ensures evaluation procedures are followed by hiring qualified, certified and licensed professionals. To ensure evaluators use valid and reliable instruments that are administered in accordance with the instructions provided by the producer of the assessment, continual training is offered through a variety of resources including but not limited to the following: the education service center, the TEA TETN, statewide conferences, specific professional organizations, and legal academies. In addition, at each annual job evaluation, any areas needing improvement or additional training are identified and documented as an area for professional growth. MISD maintains files of additional training attended by district personnel. The appraisal instruments and procedures for administration are selected based on the unique needs of the students. Evaluators determine evaluation plans based on MTSS data (parent/teacher information, informal assessments, physical information, etc.) and by working with a multidisciplinary team as a part of the referral and evaluation process in order to ensure a comprehensive evaluation that addresses all areas of concern. Contracted evaluators are also qualified, certified, and licensed professionals that provide evaluation support with guidance from district evaluation staff to ensure a comprehensive evaluation that follows all required procedures.



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§300.310 Observation.

- (a) The public agency must ensure that the child is observed in the child's learning environment, including the regular classroom setting, to document the child's academic performance and behavior in the areas of difficulty.**
- (b) The group described in §300.306(a)(1), in determining whether a child has a specific learning disability, must decide to—**
 - (1) Use information from an observation in routine classroom instruction and monitoring of the child's performance that was done before the child was referred for an evaluation; or**
 - (2) Have at least one member of the group described in §300.306(a)(1) conduct an observation of the child's academic performance in the regular classroom after the child has been referred for an evaluation and parental consent, consistent with §300.300(a), is obtained.**
- (c) In the case of a child of less than school age or out of school, a group member must observe the child in an environment appropriate for a child of that age.**

Parental consent is not required for observations conducted as part of routine classroom instruction and monitoring of the child's performance as long as that observation is not conducted as part of the full and individual evaluation of the child.

TEC § 38.003. Screening and Treatment for Dyslexia and Related Disorders.

- (a) Students enrolling in public schools in this state shall be tested for dyslexia and related disorders at appropriate terms in accordance with a program approved by the State Board of Education.**
- (b) In accordance with the program approved by the State Board of Education, the board of trustees of each school district shall provide for the treatment of any student determined to have dyslexia or a related disorder.**
- (c) The State Board of Education shall adopt any rules and standards necessary to administer this section.**
- (d) In this section:**
 - (1) "Dyslexia" means a disorder of constitutional origin manifested by a difficulty in learning to read, write, or spell, despite conventional instruction, adequate intelligence, and sociocultural opportunity.**
 - (2) "Related disorders" includes disorders similar to or related to dyslexia, such as developmental auditory imperception, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability.**

For additional state rules on Dyslexia, please see Section 1. TAC §74.28. Students with Dyslexia and Related Disorders.

Current TEA Dyslexia Handbook: <https://tea.texas.gov/academics/dyslexia/>

TEC § 38.016. Psychotropic Drugs and Psychiatric Evaluations or Examinations.

- (a) In this section:**
 - (1) "Parent" includes a guardian or other person standing in parental relation.**
 - (2) "Psychotropic drug" means a substance that is:**
 - (A) used in the diagnosis, treatment, or prevention of a disease or as a component of a medication; and**
 - (B) intended to have an altering effect on perception, emotion, or behavior.**
- (b) A school district employee may not:**
 - (1) recommend that a student use a psychotropic drug; or**
 - (2) suggest any particular diagnosis; or**
 - (3) use the refusal by a parent to consent to administration of a psychotropic drug to a student or to a**



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psychiatric evaluation or examination of a student as grounds, by itself, for prohibiting the child from attending a class or participating in a school related activity.

(c) Subsection (b) does not:

- (1) prevent an appropriate referral under the child find system required under 20 U.S.C. Section 1412, as amended; or
- (2) prohibit a school district employee who is a registered nurse, advanced nurse practitioner, physician, or certified or appropriately credentialed mental health professional from recommending that a child be evaluated by an appropriate medical practitioner; or
- (3) prohibit a school employee from discussing any aspect of a child's behavior or academic progress with the child's parent or another school district employee.

(d) The board of trustees of each school district shall adopt a policy to ensure implementation and enforcement of this section.

(e) An act in violation of Subsection (b) does not override the immunity from personal liability granted in Section 22.0511 or other law or the district's sovereign and governmental immunity.

IV. DETERMINATION OF ELIGIBILITY

§300.306 Determination of eligibility.

(a) General. Upon completion of the administration of assessments and other evaluation measures--

- (1) A group of qualified professionals and the parent of the child determines whether the child is a child with a disability, as defined in §300.8, in accordance with paragraph (c) of this section and the educational needs of the child; and
- (2) The public agency provides a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.

The copy of a reevaluation report will be provided to the parent by the evaluation staff prior to the ARD/IEP meeting when possible. A copy of an initial evaluation report must be provided to the student's parents as soon as possible after completion of the report but no later than five school days prior to the initial admission, review, and dismissal (ARD) committee meeting (or not later than June 30th if the evaluation timeline was at least 35 but less than 45 school days before the last instructional day and less than 3 absences).

(b) Special rule for eligibility determination. A child must not be determined to be a child with a disability under this part--

(1) If the determinant factor for that determination is--

- (i) Lack of appropriate instruction in reading, including the essential components of reading instruction (as defined in section 1208(3) of the ESEA) "as such section was in effect on the day before the date of enactment of the Every Student Succeeds Act (December 9, 2015);
- (ii) Lack of instruction in math; or
- (iii) Limited English proficiency; and

(2) If the child does not otherwise meet the eligibility criteria under §300.8(a).

(c) Procedures for determining eligibility and educational need.

(1) In interpreting evaluation data for the purpose of determining if a child is a child with a disability under §300.8, and the educational needs of the child, each public agency must--

- (i) Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, as well as recommendations about the child's physical condition, social or cultural background, and adaptive behavior; and



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- (ii) Ensure that information obtained from all of these sources is documented and carefully considered.
- (2) If a determination is made that a child has a disability and needs special education and related services, an IEP must be developed for the child in accordance with §§300.320 through 300.324.

§300.306(b)(1) - referring to (section 1208 of ESEA – NCLB *from above*) are the Reading components meaning explicit and systematic instruction in

- (A.) phonemic awareness;
- (B.) phonics;
- (C.) vocabulary development;
- (D.) reading fluency, including oral reading skills; and
- (E.) reading comprehension strategies.

Following the required timelines, regardless if the student was identified with a disability, the ARD/IEP Committee will meet to review the FIE. The ARDC will meet, review recommendations from the evaluation and determine the need for specially designed instruction in order for the student to be eligible for special education services. For students that do not meet eligibility criteria, they may be referred to MTSS or 504 for consideration.

V. WRITTEN EVALUATION REPORTS (including Related Service Reports)

TAC §89.1011. Full Individual and Initial Evaluation.

(c) Except as otherwise provided in this section, a written report of a full individual and initial evaluation of a student must be completed as follows:

- (1) not later than the 45th school day following the date on which the school district receives written consent for the evaluation from the student's parent, except that if a student has been absent from school during that period on three or more school days, that 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
- (2) 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 homeschool setting, not later than the 45th school day following the date on which the school district receives written consent for the evaluation from the student's parent.

For TAC §89.1011 in its entirety, see I. EVALUATION - in this Section 2.

A written evaluation report for any disability or eligibility for related services will include all of the requirements in §89.1011 (c) and §300.311 (a – b) and documented on the district forms. In addition, specific requirements for each specific disability category found in Section 3-Disability Criteria will also be documented in the written evaluation report. Evaluation reports will be signed by all the professionals required in the evaluation process.

Assessment protocols will be filed in a separate folder and will not be filed with the written evaluation report. Each assessment protocol will be labeled with the student's name and placed in the folder that is specified for the archived protocols. Parents or adult students have access to educational records including a review of test protocols. Request to review the protocols must be made in writing and provided to the school's Educational Diagnostician/LSSP, Campus Administrator or the Director of Special Education. Arrangements will be made to have the appropriate professional review the protocol with the parent or adult student. The district will maintain signed Written Evaluation Reports, REED documentation, and Assessment protocols.

VI. EVALUATION OF LANGUAGE, PHYSICAL, SOCIOLOGICAL, AND OTHER CONDITIONS



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Areas of Evaluation

A. Language Dominance

The evaluation team will first determine the student's dominant language most proficient method of communication (expressively and receptively). The student's dominant language is the language in which the student is most proficient. This determination may be made by formal or informal evaluation. Evaluation instruments must be administered in the student's dominant language (native language or other mode of communication unless it is clearly not feasible to do so). If the primary language of the home is not English, the student will be evaluated in his/her dominant language. Documentation will be Oral Language Proficiency scores, the LPAC report or a description of procedures used to ensure the student was evaluated in his/her dominant language when the examiner is not proficient in that language. Where no bilingual examiner is available, an interpreter may be used. Interpreters will be adequately trained.

B. Language Proficiency

The evaluation team must determine the student's most proficient method of communication. The language proficiency information must indicate the student's skill in understanding and using both receptive and expressive domains, such as oral and written language, reading comprehension, and listening comprehension, when appropriate. Proficiency in both English and the other language(s) must be addressed for Limited English Proficient (LEP) students. (see procedures in the Referral section 1 for ELL students and coordination with the LPAC to differentiate proficiency and disability)

TAC §89.1230. Eligible Students with Disabilities. (language proficiency)

(a) School districts shall implement assessment procedures which differentiate between language proficiency and disabling conditions in accordance with Subchapter AA of this chapter (relating to Commissioner's Rules Concerning Special Education Services), and shall establish placement procedures which ensure that placement in a bilingual education or English as a second language program is not refused solely because the student has a disability.

C. Physical

The evaluation of an individual's physical factors (including health, vision, hearing, and psycho-motor abilities) must consist of an examination of physical conditions that directly affect the student's ability to profit from the educational process. The health information collected during the referral process will be sufficient if a complete medical examination is not required by specific eligibility criteria and if there are no indications of need for further physical evaluation.

D. Emotional/Behavioral

The evaluation of an individual's emotional and behavioral factors will consist of formally or informally identifying those characteristics manifested in in-school or out-of-school behavior, or both, which may influence learning. The evaluation will include behaviors relative to the disability that may affect educational placement, programming, or discipline. Adaptive behavior of all students must be considered to some degree, formal measures are required only when establishing a diagnosis of an intellectual disability.

E. Sociological

The evaluation of an individual's sociological variables must consist of identifying the child's family and community environmental situation influencing learning and behavioral patterns. Students will not be eligible for special education if the only deficiencies identified are directly attributable to a different cultural lifestyle or to the child not having had educational opportunities.



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F. Cognitive

The evaluation of an individual's cognitive functioning must include an evaluation of verbal ability or performance or both. While the adaptive behavior of all students must be considered to some degree, formal measures of adaptive behavior will be required only when a student is being assessed for an intellectual disability. A formal evaluation of Intelligence must always be addressed when evaluating the possibility of an intellectual disability. An informal evaluation of cognitive ability may be used to determine cognitive functioning as a part of eligibility for certain disabilities at the discretion of the evaluation team.

All students who are graduating under 89.1070 must be provided with a summary of academic achievement and functional performance as described in 300.305(e)(3). The summary will be completed by staff familiar with the student, such as their special education teacher or case manager, and must consider, as appropriate, the view of the parent and student and written recommendations from adult service agencies on how to assist the student in meeting postsecondary goals. Students who participate in graduation ceremonies but who are not graduating under the guidelines of this section do not have to have a Summary of Academic Achievement and Functional Performance.

VII. EVALUATION OF LEARNING COMPETENCIES (Academic Achievement and Functional Performance)

Assessment Guidelines for the Evaluation of Academic and Functional Performance

The evaluation report will include:

- A. Criterion-referenced or curriculum-referenced assessments designed to aid in the development of the student's IEP; (include any district wide and state testing, benchmarks, etc.)
- B. Information about the student's strengths and weaknesses; and
- C. The specific modifications of instructional content, accommodations, methods and/or materials required by the student to achieve and maintain satisfactory progress, including those that can only be provided through special education services, and those adaptations necessary for the student's progress in general classes and other special and compensatory education programs.

VIII. ASSISTIVE TECHNOLOGY DEVICES AND SERVICES

§300.5 Assistive technology device. Assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted, or the replacement of such device.

§300.6 Assistive technology service. Assistive technology service means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. The term includes-

- (a) The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;
- (b) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;
- (c) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
- (d) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
- (e) Training or technical assistance for a child with a disability or, if appropriate, that child's family; and
- (f) Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise



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substantially involved in the major life functions of that child. (Authority: 20 U.S.C. 1401(2))

§300.105 Assistive technology: proper functioning of hearing aids.

(a) The public agency must ensure that assistive technology devices or assistive technology services, or both, as those terms are defined in §§300.5 and 300.6, respectively, are made available to a child with a disability if required as a part of the child's--

(1) Special education under §300.39;

(2) Related services under §300.34; or

(3) Supplementary aids and services under §§300.42 and 300.114(a)(2)(ii).

(b) On a case-by-case basis, the use of school-purchased assistive technology devices in a child's home or in other settings is required if the child's IEP Team determines that the child needs access to those devices in order to receive FAPE. (Authority: 20 U.S.C. 1412(a)(1), 1412(a)(12)(B)(i))

Click link to review the Assistive Technology Region 4 ESC Leadership Function/Project which TEA supports.
www.texasat.net <http://www.texasat.net/>

Assessment Guidelines for Assistive Technology

Each student assessed for determination of a disability will be assessed for assistive technology needs.

The assistive technology evaluation team may include any of the following professionals: Occupational Therapist, Physical Therapist, Speech Pathologist, Diagnostician, Teacher of the Visually Impaired, and other staff members as needed.

IX. SPECIAL PROVISIONS

The following categories of evaluations have special provisions and may require specific evaluation personnel to be included.

A. Adapted Physical Education

Assessment Guidelines For Adapted Physical Education (APE):

APE evaluations will be administered by appropriately trained physical education or special education personnel. Results from the evaluation will be included in the written evaluation report and should address the student's physical strengths and weaknesses and recommendations for specific services to be considered by the ARD/IEP committee.

B. Attention Deficit Disorder (ADD-ADHD) see also Section 3 – Disability Criteria for OHI

Assessment Guidelines for Attention Deficit Disorder (ADD/ADHD):

When a parent requests an evaluation based on their concern or personnel physician information that indicates their child may have Attention Deficit Disorder (ADD-ADHD) the evaluation team will follow the procedures for initial referral or the REED process, whichever is required. The evaluation procedures will follow the process for determining an eligibility for an Other Health Impairment Disability. In addition to medical information the parent will be informed of the comprehensive evaluation process which may include a full psychological evaluation and any other evaluations that may be necessary to determine if the child is a child with a disability who is in need of special education. If the parent has a medical doctor that has recently diagnosed the child with Attention Deficit Disorder, the evaluation team will obtain a signed copy of the OHI eligibility form directly from the child's physician after the parent has provided a signed copy of the "Consent for Release of Confidential Information." Even upon request, the parent will not be provided a copy of the district OHI eligibility form to provide to the child's physician. If the evaluation team determines that the child meets the criteria for a child with an Other Health



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Impairment and the parent does not have a physician, then district procedures will be followed for obtaining contract medical services to obtain the necessary evaluation from a licensed medical doctor.

Caution: Remember that a student may be diagnosed by a physician as having ADD or ADHD but the student may not necessarily have an educational need for special education services. Determination of educational need is made by the ARD/IEP Committee considering all data. Needs of some students may be addressed by the local campus Section 504 committee or classroom strategies. If you have any questions, please review with your MISD campus personnel or call the MISD special education office.

C. Deaf or Hard of Hearing

Assessment Guidelines for Deaf or Hard of Hearing

A deaf or hard of hearing diagnosis must meet the criteria for deafness or for a hearing impairment. Deafness means a hearing impairment is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child's educational performance. A hearing impairment means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's education performance but is not included under the definition of deafness.

When considering students who are deaf or hard of hearing, a professional certified in the education of students who are deaf or hard of hearing will be assigned to assist in the REED process and/or the initial evaluation to:

1. Determine appropriate areas of evaluation;
2. Develop or determine appropriate evaluation techniques;
3. Conduct the evaluations when appropriate; and
4. Interpret data to ensure consideration and understanding of the educational, psychological, and social implications of the disability.

Birth – 2 years or Deaf-Blind:

When considering students from birth through age two that are deaf or hard of hearing, or students who are deaf-blind, a teacher of infants who are deaf or hard of hearing or a teacher of students who are deaf-blind, as appropriate, may perform the evaluation specified above.

The deaf or hard of hearing evaluation must include an otological examination performed by an otolaryngologist or by a licensed medical doctor when an otolaryngologist is not available and an audiological performed by a licensed audiologist. The evaluation data must include a description of the implications of the hearing loss for the student's hearing in a variety of circumstances with or without recommended amplification. District evaluation personnel will follow the established procedures for procuring contract services for medical services and contract evaluators.

D. Autism

Assessment Guidelines for Autism

The team of professionals that completes the evaluation process for autism will include a psychologist or LSSP, a speech/language pathologist, and any other professional appropriate. The parent is also a critical member of the team.

Click link to review the Region 13 ESC Autism Statewide Leadership Function/Project which TEA supports.
<http://www.txautism.net>

E. Evaluation of Very Young or Students with Severe Disabilities

Assessment Guidelines for the Evaluation of Students Who Have Severe Disabilities and/or Who are 0-5 Years of Age

If the evaluation team cannot test these students in accordance with the procedures listed under the individual



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evaluation section of this procedure manual, the team must document the rationale for deviating from the standard procedure, as well as, the modifications used to complete the evaluation. The written report will specify the nature and extent of the disability. The educational evaluation of such a student may be limited to competency based or criterion referenced measures. Outside evaluations will also be considered.

F. Functional Behavioral Assessment

Assessment Guidelines for a Functional Behavior Assessment/FBA

A Functional Behavioral Assessment is completed when a student's behavior impedes educational progress for the student or other students in the classroom. If the student's placement includes time in the general education classroom, the evaluation should include input from the general education teacher. The FBA should include the following information:

- Identification of the specific observable behavior(s) that is impeding the student's learning. Documentation of the behaviors(s) should be as descriptive and specific as possible in order to clearly identify and quantify the behavior.
- Data from a variety of sources including but not limited to: discussions, interviews, records, and direct observation. The evaluation team may also use standardized instruments, if available. The data should determine the duration, frequency, and intensity of any patterns of behavior.
- Identification and/or descriptions of any antecedents - events that logically serve as the stimulus for the behavior.
- Identification and/or descriptions of any consequences - this is the action that is following and causes the student to maintain specific behavior(s) - determine effectiveness of each.
- Identification and/or descriptions of the purpose of the student's behavior - usually to get something, avoid or escape something, or to control the antecedent event.
- A description of the relationship of the behavior to the event and provide possible variables that can be changed in the setting or the situation.

Utilizing the information in the FBA, the evaluation team may develop a Behavioral Intervention Plan (BIP) which will include positive behavioral supports, reinforcers and possible consequences. The BIP will provide information to teach the student alternatives to the behavior that is interfering with the student's learning.

If disciplinary action results in a change in placement under federal law, not later than the 10th school day after the change in placement the district will immediately seek consent from the student's parent to conduct a functional behavioral assessment of the student if an FBA has never been done or the FBA is more than one year old. If there is a current FBA, the district will review and/or revise the FBA and any BIP that is currently in place as needed based on the behavior that triggered the change of placement decision.

Federal Guidelines stipulate required timelines. If the student's ARD committee agrees that there is a need for a functional behavior assessment, the committee may determine that there is enough data to complete the assessment at the ARD. If there is insufficient data to complete the assessment at the ARD, the ARD committee determines the timeline for the assessment(s) to be completed, which may be more than 10 days if warranted.

G. Homebound or Hospitalized

Assessment Guidelines for Homebound or Hospitalized

Any student being considered for Homebound or Hospitalized placements through special education must have received a full and individual evaluation that describes the student's functioning in all required areas; health, vision, hearing, social emotional status, general cognitive ability, academic performance, communication, and motor abilities. Services in the Homebound or Hospital setting may be considered if the FIE has been completed and the ARD/IEP committee has determined that the student is eligible for special education supports and services and if



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the student is expected to be confined at home or in the hospital for a minimum of four consecutive weeks (for chronically ill students, this period of confinement may be a period of time totaling at least four weeks throughout the school year). This confinement must be for medical reasons only and the medical condition must be documented by a licensed medical doctor.

TAC §89.63. Any student who is placed in the special education homebound instructional arrangement/setting must meet the following four criteria:

- be eligible for special education and related services as determined by an ARD committee;
- is expected to be confined at home or hospital bedside for a minimum of four consecutive weeks (instruction may, as provided by local district policy, also be provided to chronically ill students who are expected to be confined for any period of time totaling at least four weeks throughout the school year as documented by a physician licensed to practice in the United States);
- be confined for medical reasons only (unless the child is 0 – 5 years of age); and
- a medical condition is documented by a physician licensed to practice in the United States. 19 TAC §89.63(c)(2)(A)

In making eligibility and placement decisions the ARD committee must consider the physician's information. However, the physician's note/information is not the sole determining factor in the committee's decision making process.

General Education Homebound (GEH)

Any general education student should be referred to the local campus GEH committee. For more information see the Student Attendance Accounting Manual: <http://tea.texas.gov/index2.aspx?id=25769817607>

H. English Learner

See Section 1. and Section 4a. for more information.

§300.27 English Learner. English Learner has the meaning given the term in section 8101 of the ESEA.

Assessment Guidelines For English Language Learners (ELL)

Specific requirements for an assessment of an ELL student is identified in the Child Find Section of the Operating Procedures. The LPAC report, which must have been completed within the past year, must be included with the referral packet. The student should have been tested in English and Spanish. If this is an initial evaluation, information will include; the initial referral information, the LPAC report, LAS scores or equivalent test, the amount of time the student was served in the bilingual program, and a copy of the Home Language Survey.

Speech Only Referral for an ELL Student:

The language proficiency assessment (ex. LAS, IDEA) should be considered with regard to the following:

- i. If the student is proficient in English and has a lower proficiency in Spanish or a language other than English (LOTE), the normal procedures for the speech pathologist evaluations are followed. Assessment would be conducted in English.
- ii. If the student is proficient in Spanish or a LOTE and is not proficient in English, the speech pathologist will confer with the second language specialist and determine if an evaluation in Spanish (or other language) is needed. The second language specialist and speech pathologist will collaboratively complete the evaluation and write the evaluation report.
- iii. If the student is barely proficient in both languages, the second language specialist and speech pathologist will gather all information regarding the student's educational history and performance and



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consult with the special education administrator before proceeding with the FIE.

iv. If the student is proficient in both languages, normal procedures in English may be followed.

The articulation evaluation should be considered with regard to how the student articulates sounds in English as well as the student's native language.

Other Referrals (LD, ID, etc.):

The language evaluation (ex. LAS, IDEA) should be considered with regard to the following:

1. If the student is proficient in English and lower in Spanish, the usual procedures for testing are followed.
2. If the student is proficient in Spanish and not in English, the diagnostician/LSSP will confer with the second language specialist and determine if an evaluation in the student's native language is needed. The second language specialist and the diagnostician/LSSP will collaboratively determine the appropriate evaluation procedures and instruments and write the full and individual evaluation report (FIE) and proceed to ARD.
3. If the student is barely proficient in both languages, assessment should be completed in the student's dominant language. You may also consult with the Coordinator or Director of MISD.
4. If the student is barely proficient in both languages, the second language specialist and the diagnostician/LSSP will gather all the information regarding the student's educational history and performance and consult with the Special Education Coordinator or Director before proceeding with the FIE.

If the student is above proficient in both languages, normal procedures in English may be followed. Consideration should be given to the following:

- How long the student has been in the country;
- Whether or not the student was enrolled and attending school prior to entering the United States;
- What types of bilingual supports and services have been provided and what type of academic progress the student is making in their home language as well as their progress in English.

I. Speech Impairment

For students referred for speech/language suspected disability, the evaluation will be performed and documented by a certified speech and language pathologist, certified speech and hearing therapist, or a licensed speech/language pathologist. In addition to the speech and language components of the evaluation, the physical, mental, and emotional conditions and learning competencies will be addressed in the evaluation. The written report of evaluation will include the level of severity of the impairment and will state how the communication disorder affects the student's performance in the classroom resulting in an educational need for speech therapy services.

J. Visual Impairment (see also Section 3. DISABILITY and Section 4b)

Assessment Guidelines for Visual Impairment

A visual impairment is an impairment in a child's vision that even with correction, adversely affects a child's educational performance. It includes both partial sight and blindness. When considering students who have visual impairments, a professional certified in the education of students with visual impairments will be assigned to assist in:

1. Determining the appropriate areas of evaluation;
2. Developing or determining the appropriate evaluation techniques;
3. Conducting evaluations when appropriate; and
4. Interpreting data to ensure consideration and understanding of the educational, psychological, and social implications of the disability; and
5. Collecting appropriate medical documentation.

When considering students from birth through age two that have visual impairments, or students who are



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deaf-blind, a teacher of infants who have visual impairments or a teacher of students who are deaf-blind, as appropriate, may perform the evaluation specified above.

Click link to review the Region 11 ESC Blind or Visually Impaired Statewide Function/Project which TEA supports. <http://www.slsbvitexas.org/site/default.aspx?PageID=1>

K. Vocational Evaluation (including FVE)

Assessment Guidelines for a Vocational Evaluation and a Functional Vocational Evaluation:

Special education will collect vocational evaluation data when appropriate. As the ARD/IEP committee begins discussion and planning for entry into the high school curriculum and discusses the graduation plan of the student, vocational evaluation may be determined appropriate. (For information on the Vocational Adjustment Coordination Program see Instructional Arrangements Section.)

1. The ARD/IEP committee may recommend vocational evaluation when:
 - A. The student has no specific identified skills which are determined necessary for employment, or
 - B. The student has a need to determine vocational opportunities or interest.
2. Based on ARD/IEP committee recommendation, a vocational evaluation may include information from:
 - A. The Full and Individual Evaluation;
 - B. The current IEP;
 - C. Information about past school performance;
 - D. Work training history of the student; and
 - E. Interviews with the student, the parent, and the teacher(s). The interviews include attitudes, work habits, behaviors, job readiness, work-related skills, and post-school expectations.
3. The assigned special education teacher will explain to parents the purpose of the vocational evaluation process. Results of the evaluation may be discussed with the student prior to being filed in the student's special education folder. The results will also be discussed at the annual ARD/IEP committee meeting.
4. For students with disabilities whose initial vocational evaluation, does not yield measurable results or sufficient information for planning appropriate occupational preparation, additional vocational evaluation may be required such as: review of work samples, situational evaluations, and work behaviors analysis. Observation, training sites, or other instructional programs and settings may be used to provide part of this data.
5. Situational assessment of students placed in campus-based and community-based job-training options as a part of the student's educational program will be conducted by special education instruction staff on an ongoing basis. Reports will be filed in the teacher's student folder and reviewed at each annual ARD/IEP meeting.

Functional Vocational Evaluation.

The ARD/IEP committee will consider any recommendations as a result of Transition Planning. Transition services means a coordinated set of activities for a student with a disability that includes if appropriate a functional vocational evaluation. If the ARD/IEP committee recommends this, a qualified professional will conduct the evaluation.

1. The evaluation will include but not be limited to: observation in vocational settings, interview with teacher and parents, and other formal or informal evaluations as appropriate.
2. Results of the evaluation including strengths and weaknesses will be addressed in a written report maintained in the eligibility file.

A Functional Vocational Evaluation is just one component of transition planning that is included "if appropriate". The IEP committee determines if a functional vocational evaluation is appropriate. It may be necessary if the student cannot determine a career interest area or if it is difficult determining the student strengths and needs. It may be considered appropriate for:



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1. Students who would benefit from the “hands-on” experience afforded by work sampling, observations, situational assessment,
2. Students who are having difficulty determining career interests, and
3. Those who may need to showcase talents other than those limited to academic classes where they traditionally have been unsuccessful.

A Functional Vocational Evaluation (FVE) is a systematic assessment process used to identify practical useable career and employment-related information about an individual. A FVE can incorporate multiple formal and informal assessment techniques to observe, describe, measure, and predict vocational potential. A distinctive feature in all FVE's is that the FVE includes (and may emphasize) individualized experiential and performance-based opportunities, in natural vocational or work environments. The systematic method used to collect and organize the information from the assessment is more important than the type of assessment utilized. The process may begin early and be quite broad during the middle school years, but becomes increasingly more specific as the student moves closer to graduation. This is not a task that will be done one time only, but rather will be built upon as the student has new experiences and can be documented with data over time.

This Functional Vocational Evaluation procedure considers and documents the interactions of the student with instructors, peers, and employer and includes:

1. Interviews;
2. Observation, inventories, surveys, and record reviews; personality and temperament;
3. Career exploration of student's interests, values, attitudes, and social skills;
4. Situational assessment of student's interests, skills, strengths, temperaments; work demands environmental factors abilities, motivation, physical capacity, and work tolerance work habits;
5. Training needs;; assistive technology; necessary adaptations and
6. Multi-agency planning and assessment.

X. APPRAISAL PERSONNEL

§300.156 Personnel qualifications.

(a) General. The SEA must establish and maintain qualifications to ensure that personnel necessary to carry out the purposes of this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities.

(b) Related services personnel and paraprofessionals. The qualifications under paragraph (a) of this section must include qualifications for related services personnel and paraprofessionals that--

- (1) Are consistent with any State-approved or State-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services; and
- (2) Ensure that related services personnel who deliver services in their discipline or profession--
 - (i) Meet the requirements of paragraph (b)(1) of this section; and
 - (ii) Have not had certification or licensure requirements waived on an emergency, temporary, or provisional basis; and
 - (iii) Allow paraprofessionals and assistants who are appropriately trained and supervised, in accordance with State law, regulation, or written policy, in meeting the requirements of this part to be used to assist in the provision of special education and related services under this part to children with disabilities.

(c) for remaining portion

22 TAC § 465.38. Psychological Services in the Schools. [Excerpt]

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This rule acknowledges the unique difference in the delivery of school psychological services in the public schools from psychological services in the private sector. The Board recognizes the purview of the State Board of Education and the Texas Education Agency in safeguarding the rights of public school children in Texas. The mandated multidisciplinary team decision making, hierarchy of supervision, regulatory provisions, and past traditions of school psychological service delivery both nationally and in Texas, among other factors, allow for rules of practice in the public schools which reflect these occupational distinctions from the private practice of psychology.

(1) Definition.

(C) The assessment of emotional or behavioral disturbance, for educational purposes, using psychological techniques and procedures is considered the practice of psychology.

Appraisal/evaluation personnel will review referral data, determine suspected disability, and route the referral to the appropriate special education evaluation staff. Professionals will be assigned to conduct evaluations only in the areas for which they have been trained. Evaluation staff will provide evaluation and educational information to the ARD/IEP committee as needed. The following is a list of MISD's evaluation personnel and their responsibilities:

a. Adapted P.E. teacher or Regional Education Service Center Consultant:

1. Administers evaluation for possible adapted physical education services, and
2. Completes a written report with recommendations.

b. Deaf or Hard of Hearing:

Evaluation and services for students who are deaf or hard of hearing will be provided by appropriately qualified personnel. Personnel from the Regional Day School for the Deaf or other appropriate personnel may be used as needed.

c. Educational Diagnostician:

1. Administers cognitive and academic/developmental evaluations;
2. Administers evaluations of learning competencies for initial evaluations and reevaluations;
3. Participates on multidisciplinary team evaluations for autistic, learning disabled, multiple disabilities, etc.;
4. Assists in evaluation of vocational skills and needs;
5. May serve on the RtI/MTSS Committee or 504 Committee on assigned campus; and
6. Interprets evaluation data orally and in a written report to the ARD/IEP committee.

d. In Home/Parent Trainer:

1. Administers screening and evaluation for possible In-Home/Parent Training services.
2. Participates on multidisciplinary team evaluations.
3. Participates on ARD/IEP committee as appropriate.
4. Provides In-Home/Parent Training; and
5. Annually assess student present level of academic achievement and functional performance for updating the student's IEP.

e. Licensed Specialist in School Psychology (LSSP):

1. Administers psychological evaluations;
2. Develops FBAs and behavior plans and consults with staff as needed;
3. Participates on ARD/IEP committee as appropriate; and
4. May provide IEP Psychological services to students with disabilities.
5. Administers cognitive and academic/developmental evaluations;
6. Administers evaluations of learning competencies for initial evaluations and reevaluations;
7. Participates on multidisciplinary team evaluations for autistic, learning disabled, multiple disabilities, etc.;
8. Assists in evaluation of vocational skills and needs;
9. May serve on the RtI/MTSS Committee or 504 Committee on assigned campus; and
10. Interprets evaluation data orally and in a written report to the ARD/IEP committee.



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f. Occupational Therapist/Physical Therapist:

1. Administers and evaluation for possible OT/PT services, and
2. Assures annual medical release is obtained for continuation of services.

g. Psychologist:

1. Administers psychological screenings and evaluations;
2. Participates on multidisciplinary team evaluations for autism;
3. Develops behavior intervention plans and consults with staff as needed;
4. Participates on ARD/IEP committee as needed; and
5. May serve on RtI Committee or 504 Committee on assigned campus, as appropriate.
6. May provide IEP counseling services to students with disabilities.

h. Special Education Teachers:

Annually assess student's present level of academic achievement and functional performance to update the student's IEP. This will include the review of the State or district wide assessments. Consideration of any benchmark tests will be used as well. This could also be an informal criterion/curriculum based evaluation such as the Brigance, etc. Information for the three year re-evaluation will be provided to the evaluation specialist and / or ARD/IEP committee for inclusion in the written eligibility report.

i. Speech/Language Pathologist:

1. Administers evaluations for all speech impaired referrals;
2. Participates on the multidisciplinary team evaluations; and
3. May serve on the RtI/MTSS Committee or 504 Committee on assigned campus.

j. Teacher of the Visually Impaired (TVI):

Evaluations and services for students with visual impairments will be conducted by appropriately qualified school personnel, or other appropriate agency personnel such as the Regional Education Service Center consultants.

STAFF RESPONSIBLE:

District Level: Special Populations Department

Campus Level: Campus administrators and staff

TIMELINES FOR EVALUATION ACTIVITIES:

Annual training on compliance with evaluation timelines

IEP management system

SPP documentation (reports on evaluation progress and schedule for monitoring compliance/quality of evaluations)

EVIDENCE OF PRACTICE:

Forms and checklists used in the evaluation process

Training artifacts

Submission of SPP 11 and SPP 12 data

SPP report data

Reports for compliance

MISD staff qualified to administer assessment

Data tracker from software program



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