Section 3: Evaluation and Determination of Eligibility

a. Evaluation Procedures

1. Definitions

a. The "date of referral" shall be the date the School District receives a written request for an evaluation or reevaluation from the Parent(s), or other person specified in 23 Ill.Admin.Code §226.110(b) .

b. The screening procedures used by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered an evaluation. (See also subsection (e)(2) below regarding screenings to determine if an evaluation is required.)

c. Domain means an aspect of a child's functioning or performance that must be considered in the course of designing an evaluation. The domains to be considered are health, vision, hearing, social and emotional status, general intelligence, academic performance, communication status and motor abilities.

2. Procedures for Requesting an Initial Evaluation

Each School District shall develop and make known to all concerned persons procedures by which an evaluation may be requested. These procedures shall:

a. Designate the steps to be taken in making a request for an evaluation;

b. Designate the persons to whom a request may be made;

c. Identify the information that must be provided;

d. Provide any assistance that may be necessary to enable persons making requests to meet any related requirements established by the School District; and

e. Identify the process for providing the Parents with notice of their rights with respect to procedural safeguards.

3. Persons Who Can Make A Request for an Evaluation

A request may be made by a Parent of a child or by an employee of a State educational agency, another State agency, a local educational agency, or a community service agency.

4. Dyslexia

Each child suspected of having dyslexia or identified as dyslexic shall be referred for an evaluation.

5. School District's Response to a Request

a. The School District shall be responsible for processing the request, deciding what action should be taken, and initiating the necessary procedures.
b. To determine whether the child requires an evaluation, the School District may utilize screening data and conduct preliminary procedures such as observation of the child, assessment for instructional purposes, consultation with the teacher or other individual making the request, and a conference with the child.
c. Within 14 school days after receiving a request for an evaluation, the School District shall determine whether an evaluation is warranted.
d. If the School District determines not to conduct an evaluation, it shall provide written notice to the Parents as required by State and federal law and a copy of ISBE's Notice of Procedural Safeguards for Parents/Guardians of Children with Disabilities (ISBE Form 34-57J).
e. If an evaluation is to be conducted, within 14 school days after receiving the request for an evaluation:
    (1) The School District shall convene a team of individuals (including the Parents(s)) having the knowledge and skills necessary to administer and interpret evaluation data. The composition of the team will vary depending upon the nature of the child's symptoms and other relevant factors.
    (2) The team shall identify the assessments necessary to complete the evaluation as described below and shall prepare a written notification for the Parent(s) that describes any evaluation procedures to be conducted. For each domain, the notification shall either describe the needed assessments or explain why none are needed. The team may identify the assessments necessary without a meeting.
    (3) The School District shall ensure that the notification of the team's conclusions is transmitted to the Parent(s) within the 14-school-day timeline and, if applicable, the School District's request for the Parent(s)' informed written consent to conduct the needed assessments and a copy of ISBE's Notice of Procedural Safeguards for Parents/Guardinas of CHildren with Disabilities (ISBE Form 34-57J).

(4) Informed written consent for the initial evaluation shall be obtained from the Parent(s) of the child before conducting the evaluation.

6. Identification of Needed Assessments

a. An evaluation shall cover all domains, which are relevant to the individual child's known or suspected disability(ies) under consideration.

b. The following procedures shall be used for an evaluation:

(1) The School District shall convene a team of individuals (including the Parent(s)) having the knowledge and skills necessary to administer and interpret evaluation data. The composition of the team will vary depending upon the nature of the child's symptoms and other relevant factors.

(2) IEP Team members and other qualified professionals, as appropriate, shall review and evaluate existing information about the child, including the following if available:

(a) Information from a variety of formal and informal sources, including information provided by the child's Parent(s);

(b) Current classroom-based, local, or State assessments and classroom-based observations;

(c) Observations by teachers and providers of related services;

(d) Information, if any, provided by the child; and

(e) Information from specialized evaluations such as those performed by independent evaluators, medical evaluators, behavioral intervention specialists, bilingual specialists, etc.

(3) The team may conduct its review without a meeting.

c. After review of the information described above, the IEP Team members shall determine whether additional evaluation data is needed in any relevant domain and from what source(s) to determine:

(1) Whether the child has, or continues to have, one or more disabling conditions;

(2) The present levels of performance and educational needs of the child;

(3) Whether the disability is adversely affecting the child's educational performance;

(4) Whether the child needs or continues to need, special education and related services; and

(5) Whether any additions or modifications to the child's special education and related services are needed to enable the child to meet the goals and objectives of his/her IEP and to participate appropriately in the general curriculum.

7. Eligibility Determination Timeline

Upon completion of the assessments, but no later than 60 school days following the date Parent signs the informed written consent to perform the needed assessments (or prior to the first day of student attendance in the next school year, if there are fewer than 60 school days remaining in the school year after the date of parental consent), the determination of eligibility shall be made at an IEP meeting.

8. Failure to Evaluate

If the School District does not conduct the evaluation, the Parent(s) of the child may appeal this decision in an impartial due process hearing or using the ISBE complaint procedures.

B. Evaluation Requirements

1. In conducting the evaluation, the School District must:

a. 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(s) that may assist in determining:

(1) Whether the child is a child with a disability;

(2) The content of the child's IEP (if eligible).

b. 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 education program for the child.

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

d. Each evaluation shall be conducted so as to ensure that it is nondiscriminatory with respect to language, culture, race, and gender.

(1) The languages used to evaluate a child shall be consistent with the child's primary language or other mode of communication. Determination of the child's language use pattern and general cultural identification shall be made by determining the languages spoken in the child's home and the languages used most comfortably and frequently by the child. If the language use pattern involves two or more languages or modes of communication, the child shall be evaluated by qualified specialists, or when needed, qualified bilingual specialists using each of the languages or modes of communication used by the child.

(2) If the child has a non-English-speaking background, a determination shall be made of his or her proficiency in English. This determination shall be conducted in accordance with the provisions of 23 Ill. Admin Code Part 228, which specifies the assessment procedures and eligibility criteria for bilingual education programs.

(3) If documented efforts to locate and secure the services of a qualified bilingual specialist are unsuccessful, the School District shall use an individual who possesses the professional credentials required under 23 ILAC § 226.840 to complete the specific components of the evaluation. This qualified specialist shall be assisted by a School District employee holding an educator license issued pursuant to 105 ILCS 5/21B or other individual who has demonstrated competencies in the language or modes of communication of the child.

(4) If documented efforts to locate and secure the services of a qualified bilingual specialist assisted by another individual are unsuccessful, the School District shall conduct assessment procedures which do not depend upon language. Any special education resulting from such alternative

procedures shall be reviewed annually until the student's proficiency is determined no longer to be limited pursuant to 23 ILAC § 228.

(5) Tests given to a child whose primary language is other than English shall be relevant, to the maximum extent possible, to his/her culture.

(6) Determination of the child's mode of communication shall be made by assessing the extent to which the child uses verbal expressive language and the use he or she makes of other modes of communication (e.g., gestures, signing, unstructured sounds) as a substitute for verbal expressive language.

(7) If the child's receptive and/or expressive communication skills are impaired due to hearing and/or language deficits, the School District shall utilize test instruments and procedures that do not stress spoken language and one of the following:

(a) Visual communication techniques in addition to auditory techniques.

(b) An interpreter to assist the evaluative personnel with language and testing.

(8) The child's language use pattern, proficiency in English, mode of communication, and general cultural identification shall be noted in the child's temporary student record, and this information shall be used in the evaluation and in the development and implementation of the individualized education program.

2. Assessments and their evaluation materials must be:

a. Used for the purposes for which the assessments or measures are valid and reliable;

b. Administered by trained and knowledgeable personnel; and

c. Administered in accordance with any instructions provided by the produces or the assessments.

C. Determination of Eligibility

1. No later than 60 school days following the date of receiving informed written consent to conduct an evaluation (or prior to the first day of the next school year if

there are less than 60 school days remaining at the time informed written consent is received), an IEP meeting will be held to consider the results of the evaluation and, if the child is determined to be eligible for special education and related services to develop an IEP.

2. The team shall consist of a group of qualified professionals as set forth under State and federal law, including the Parent(s). See Section 4.A.2 for a list of the individuals included on the IEP Team.

3. The IEP Team, after considering the evaluation and other information available regarding the child, shall determine whether the child is or continues to be eligible for special education and related services as a child with a disability as defined by federal and state law and the child's educational needs. In making this determination, the IEP Team shall:

   a. Draw upon information from a variety of sources, including aptitude and achievement tests, parental input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior;

   b. Ensure that information obtained from all of these sources is documented and considered; and

   c. Ensure that a psychological evaluation has been conducted and a recommendation for eligibility has been made by a school psychologist for all children suspected of or determined to have an intellectual disability.

4. A child may not be determined eligible if the determinant factor for that determination is lack of instruction in reading or math or limited English proficiency and the child does not otherwise meet the School District's eligibility criteria.

5. At the conclusion of the meeting convened to consider the results of the evaluation, the team shall prepare a report describing its consideration of pre-existing information about the child, all new evaluation reports obtained, and any other information relevant to the decision about the child's eligibility. This description

shall relate the information considered to the child's needs and shall further conform to the requirements relating to identifying students suspected of or having a specific learning disability, if applicable. The IEP Team's report shall also include:

a. The date of the meeting;

b. The signatures of the participants, indicating their presence at the meeting; and

c. Any separate written statement provided by a participant who wishes to be on record as disagreeing with the conclusions expressed in the team's report.

6. If an assessment is conducted under nonstandard conditions, a description of the extent to which the assessment varied from standard conditions shall be included in the evaluation report. This information is needed so that the team of evaluators can assess the effects of these variances on the validity and reliability of the information reported and determines whether additional assessments are needed.

7. If any needed portion of the evaluation cannot be completed due to lack of parental involvement, religious convictions of the family, or inability of the child to participate in an evaluative procedure, the School District shall note the missing portions in the child's evaluation report and state the reasons why those portions could not be completed.

8. In the event that the student is determined to be eligible for special education and related services, the IEP meeting shall be conducted within 30 calendar days (and no later than 60 school days from the date the School District receives the informed written consent for the evaluation or reevaluation from the Parent(s)) after the date of that determination.

9. A copy of the IEP Team's report, together with all documentation upon which it is based will be maintained in the child's temporary education record in accordance with confidentiality requirements.

10. A copy of the completed document will be provided to the Parent(s) at the conclusion of the meeting, unless a later date is agreed upon by the parent and documented in the IEP. If requested, a copy of any evaluation reports will also be provided.

11. No later than 10 school days following the IEP meeting, the Parent(s) will be provided a written notice of the determination of the team, in compliance with 23 Ill. Admin. Code § 226.520. If the IEP contains a proposal or refusal to initiate or change the child's educational placement, the Conference Recommendations will be provided in writing in the preferred language of Parent(s) or other mode of communication used by Parent(s) (such as orally if Parent is illiterate).

D. Additional Requirements for Identifying Children with a Specific Learning Disability

1. The criteria for identifying children with a specific learning disability:

   a. Must require the use of a process that determines how the child responds to scientific, research-based interventions or multi-tiered systems of support as part of the evaluation procedure;

      (1) The response to scientific, research-based intervention or multi-tiered system of support process should use a collaborative team approach and include the engagement of and regular communication with the child's Parent(s).

      (2) The Parent(s) of a child shall be provided with written notice of the School District's use of a scientific, research-based intervention or a multi-tiered system of support for the child and may be part of the collaborative team approach at the discretion of the School District.

      (3) The Parent(s) shall be provided all data collected and reviewed by the School District regarding the child in the scientific, research-based intervention or multi-tiered system of support process.

   b. May permit the use of other alternative research-based procedures to determine whether a child has a specific learning disability, as defined in federal law; and

   c. May permit the use of a severe discrepancy between intellectual ability and achievement for determining whether a child has a specific learning disability.

2. Additional group members required to determine specific learning disability eligibility

   The determination of whether a child suspected of having a specific learning disability is a child with a disability must be made by the child's Parent(s) and a team of qualified professionals, which must include:

   a. The child's general education teacher; or
   b. If the child does not have a general education teacher, a general education teacher qualified to teach a child of his/her age; or
   c. For a child of less than school age, an individual qualified by ISBE to teach a child of his/her/their age; and
   d. At least one person qualified to conduct individual diagnostic evaluations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher.

3. Determining the existence of a specific learning disability

   a. The group described above may determine that a child has a specific learning disability, if the following:

      (1) The child does not achieve adequately for the child's age or to meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the child's age:

         (a) Oral expression.
         (b) Listening comprehension.
         (c) Written expression.
         (d) Basic reading skills.
         (e) Reading fluency skills.
         (f) Reading comprehension.
         (g) Mathematics calculation.
         (h) Mathematics problem solving.

(2) The child does not make sufficient progress to meet age or State-approved grade-level standards in one or more of the areas identified above when using a process based on the child's response to scientific, researched-based intervention; or

(3) The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade-level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments; and

(4) The group determines that its findings above are not primarily the result of:

(a) A visual, hearing, or motor disability;

(b) Intellectual disability;

(c) Emotional disability;

(d) Cultural factors;

(e) Environmental or economic disadvantage; or

(f) Limited English proficiency.

b. To ensure that underachievement in a child suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group must consider, as part of the evaluation, and provided to the child's Parent(s):

(1) Data that demonstrate that prior to, or as a part of, the referral process, the child was provided appropriate instruction in regular education settings, delivered by qualified personnel; and

(2) Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the child's Parent(s).

c. The School District must promptly request parental informed written consent to evaluate the child to determine if the child needs special education and related services, and must adhere to the timeframes, unless extended by mutual written agreement of the child's Parent(s) and a group of qualified professionals:

(a) If, prior to a referral, a child has not made adequate progress after an appropriate period of time when provided instruction, as described above; *and*

(b) Whenever a child is referred for an evaluation.

4. Observation

a. The School District must ensure that the child is observed in the child's learning environment (including the general education classroom setting) to document the child's academic performance and behavior in the areas of difficulty.

b. To determine whether a child has a specific learning disability, the IEP Team 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 conduct an observation of the child's academic performance in the general education classroom after the child has been referred for an evaluation and parental informed written consent us received.

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.

5. Specific documentation for a determination of specific learning disability

a. For a child suspected of having a specific learning disability, the documentation of the team's determination of eligibility must include a statement of:

(1) Whether the child has a specific learning disability;

(2) The basis for making the determination in accordance with this section, C (3) (a & b);

(3) The relevant behavior noted during the observation of the child and the relationship of that behavior to the child's academic functioning;

(4) The educationally relevant medical findings, if any;

(5) Whether:

(a) The child does not achieve adequately for the child's age or to meet State-approved grade-level standards as provided above; and

(b) Either i. or ii.

i. The child does not make sufficient progress to meet age or State-approved grade-level standards as provided above; or

ii. The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade-level standards or intellectual development as provided above;

(6) The determination of the team concerning the effects of a visual hearing, or motor disability; intellectual disability; emotional disability, cultural factors; environmental or economic disadvantage; or limited English proficiency on the child's achievement level; and

(7) If the child has participated in a process that assesses the child's response to scientific, research-based intervention:

(a) The instructional strategies used and the student centered data collected; and

(b) The documentation that the child's Parent(s) were notified about:

i. The State's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided;

ii. Strategies for increasing the child's rate of learning; and

iii. The Parent(s) right to request an evaluation.

b. Each team member shall certify in writing whether the report reflects his/her conclusion. If it does not reflect his/her conclusion, the team member must submit a separate statement presenting his/her conclusions.

E. Reevaluations

1. The School District shall ensure that a reevaluation of each child with a disability is conducted in accordance with the procedures for an evaluation as described in Section 3.A.(1).(a), (d), (e), (f) and section 3.B:

a. If the School District determines that the educational or related service needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or

b. If the child's Parent(s) or teacher requests a reevaluation.

2. A reevaluation conducted as described above:

a. May occur not more than once a year, unless the Parent(s) and the School District agree otherwise; and

b. Must occur at least once every 3 years, unless the Parent(s) and the School District agree that an evaluation is unnecessary; and

F. Consideration of an Independent Educational Evaluation

Parents have the right to obtain an independent educational evaluation of their child in accordance with State and federal law. (See Section 10.O).

LEGAL REF.: 20 U.S.C. §§ 1412 (State eligibility), 1412 (a)(3) (Child find), 1413 (local educational agency eligibility), 1413 (a)(1) (Consistency with State policies), 1413(a)(3) (Personnel development).

34 C.F.R. §§ 300.8 (Child with a disability), 300.122 (Evaluation), 300.201 (Consistency with State policies), 300.301 – 300.306 (Evaluations and Reevaluation), 300.307-300.311 (Additional Procedures for Identifying Children with Specific Learning Disabilities).

105 ILCS 5/14-8.02 (Identification, evaluation, and placement of children), 5/14-8.02h (Response to scientific, research-based intervention).

23 Ill. Admin. Code §§ 226.110 (Evaluation Procedures), 226.120 (Reevaluations), 226.130 (Additional Procedures for Students Suspected of or Having a Specific Learning Disability), 226.135 (Additional Procedures for Students Suspected of or Having an Intellectual Disability), 226.140 (Modes of Communication and Cultural Identification), 226.150 (Evaluation to be Nondiscriminary), 226.180 (Independent Educational Evaluation).

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