

Special Education - Evaluation Procedures

MESD, through resolution services or direct contracts with its component districts and public agencies, is responsible for evaluating and determining eligibility for special education services for children birth through 21.

Consistent with its child find and parent consent obligations, MESD shall respond promptly to requests initiated by a parent, component district or public agency for an initial evaluation to determine if a child is a child with a disability.

A full and individual evaluation of a student's educational needs that meets the criteria established in Oregon Administrative Rules shall be conducted before determining eligibility and before the initial provision of special education and related services to a student with a disability. MESD implements an ongoing system to locate, identify and evaluate all children birth to 21 residing within its jurisdiction who have disabilities and need early intervention, early childhood special education (EI/ECSE) or special education services. The MESD's designated referral and evaluation team is responsible for determining EI/ECSE eligibility.

MESD shall identify children with disabilities, regardless of the severity of their disabilities, including children who are:

1. Highly mobile, such as migrant and homeless children;
2. Wards of the state;
3. Indian preschool children living on reservations;
4. Suspected of having a disability even though they advance from grade to grade;
5. Home schooled;
6. Resident and nonresident students, including residents of other states, attending a private school (religious or secular) located within the boundaries of the district;
7. Attending private (religious or secular) school located within the boundaries of MESD;
8. Attending a district charter school;
9. Below the age of compulsory school attendance; or

10. Above the age of compulsory school attendance who have not graduated from high school with a regular or modified diploma and have not completed the school year in which they reach their 21st birthday.

Before conducting any evaluation or re-evaluation, MESD shall:

1. Plan the evaluation with a group that includes the parent(s);
2. Provide prior written notice to the parent(s) that describes any proposed evaluation procedures the agency proposes to conduct as a result of the evaluation planning process; and
3. Obtain informed written consent for evaluation.

MESD shall conduct a comprehensive evaluation or re-evaluation before:

1. Determining that a child has a disability;
2. Determining that a child continues to have a disability;
3. Changing the child's eligibility;
4. Providing special education and related services;
5. Terminating the child's eligibility for special education, unless the termination is due to graduation from high school with a regular or modified diploma or exceeding the age of eligibility for a free appropriate public education.

Upon completion of the evaluation, MESD shall provide the parent or eligible child a copy of the evaluation report at no cost. The evaluation report describes and explains the results of the evaluation. Upon completion of the eligibility determination, MESD shall provide the parent or eligible child documentation of eligibility determination at no cost.

MESD shall ensure that assessments and other evaluation materials, including those tailored to assess specific areas of education need, shall be:

1. Selected and administered so as not to be racially or culturally discriminatory;
2. Provided and administered in the child's native language or other mode of communication and 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 do so;
3. Used for purposes for which assessments or measures are valid and reliable;
4. Administered by trained and knowledgeable personnel; and
5. Administered in accordance with any instructions provided by the producer of such assessments.

Materials and procedures used to assess a child with limited English proficiency are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills.

A student shall meet the eligibility criteria established in the Oregon Administrative Rules.

MESD shall conduct re-evaluations:

1. When the educational or related services needs, including improved academic achievement and functional performance of the children warrant a re-evaluation;
2. When the child's parents or teacher requests a re-evaluation; and
3. At least every three years, unless that parent and MESD agree that a re-evaluation is unnecessary.

MESD does not conduct re-evaluation more than once a year, unless the parent and MESD agree otherwise.

If a parent has previously revoked consent for special education and related services and subsequently requests special education and related services, MESD shall conduct an initial evaluation of the student to determine eligibility for special education.

END OF POLICY

Legal Reference(s):

[ORS 343.155](#)

[ORS 343.157](#)

[ORS 343.164](#)

[OAR 581-015-2000](#)

[OAR 581-015-2095](#)

[OAR 581-015-2105 to -2190](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.300, 300.530-300.534, 300.540-300.543, 300.7 (2017).