

**Special Education - Evaluation and Eligibility Procedures\*\***

1. Requirements for Initial Evaluation

- a. The district conducts a comprehensive individualized evaluation before determining that the student is eligible for special education services, and before beginning to provide special education and related services.
- b. Parents, staff or other interested individuals can refer a student for an initial special education evaluation if there is suspicion that a student may have a disability that has an adverse impact on educational performance.
- c. The district designates a team to determine whether an evaluation will be conducted. The team includes at least two professionals, at least one of whom is a specialist knowledgeable and experienced in the evaluation and education of students with disabilities, and the parent.
- d. In determining what testing and/or further assessment may be necessary, the team will review existing information. (See Evaluation Planning and Review of Existing Information below.)
- e. As appropriate, the district provides the parent with:
  - (1) Prior written notice of the intent to conduct an initial evaluation, and obtains consent for such evaluation;
  - (2) Prior written notice of the refusal to conduct an initial evaluation; or
  - (3) Notice of the team determination that no further data is required, including:
    - (a) The reasons why no further data are required; and
    - (b) The right to request further assessment(s) to determine if the student is eligible for special education and related services.

2. Requirements for Reevaluation

- a. The district conducts a complete reevaluation:
  - (1) At least once every three years; or
  - (2) Whenever conditions warrant a reevaluation, including if the student's parent or teacher(s) requests a reevaluation.
- b. When conducting a reevaluation, the individualized education program (IEP) team reviews existing information and determines what additional assessment information, if any, is needed to address all minimum eligibility criteria of the student's eligibility category(ies). (See Evaluation Planning and Review of Existing Information below.)
- c. If additional evaluation is determined to be necessary, the district provides the parent with prior written notice of the intent to conduct the evaluation and requests consent for such evaluation.

- d. With the exception of testing of intelligence or personality, if the parents fail to respond to the request for consent, the district can initiate the testing. Parent consent is obtained prior to any testing of intelligence or personality.
- e. If the team determines that no further data is required, the district:
  - (1) Provides prior written notice of this decision to the parent; and
  - (2) Provides parents with the reasons why no further data are required; and informs the parents of their right to request further assessment(s) to determine if the student is eligible for special education and related services.

### 3. Evaluation Planning and Review of Existing Information

- a. When initially evaluating, and when reevaluating a student, the IEP team, and other professionals as appropriate, review existing data and other information that is available, including information provided by the parent, and determine any additional information, if any, that the team will need to obtain in order to determine:
  - (1) Whether or not a student is eligible under any category(ies) of disability(ies), including the need for special education and related service(s);
  - (2) The present levels of educational performance;
  - (3) The educational needs of the student; and
  - (4) In the case of reevaluation, whether any additions or modifications in the special education and related services are needed to allow the student to meet the IEP goals, and allow the student to participate in the general curriculum.
- b. A review of existing information includes:
  - (1) Any evaluations and information provided by the parents;
  - (2) Any current classroom-based assessments and observations; and
  - (3) Any observations by teachers and other service providers.
- c. The IEP team and other professionals, as appropriate, may review existing information without a meeting. If a meeting is held, the parent will be provided the opportunity to participate.
- d. If the IEP team determines that no additional testing is required, the district is not required to conduct further testing, unless requested to do so by the parent.

### 4. Evaluation Procedures

- a. The district ensures that all tests and evaluations used for initial evaluations and reevaluations are:
  - (1) Selected and conducted so as not to be racially or culturally discriminatory;
  - (2) Conducted in the student's native language or other mode of communication, unless it is clearly not feasible to do so; and
  - (3) For students with limited English proficiency, are reflective of the student's English language skills; the assessments will measure the extent to which the student may have a

disability and need special education, and not solely reflect the student's limited English proficiency.

- b. The district designates trained and knowledgeable personnel to conduct the evaluation.
- c. The district uses a variety of tools and measures to gather relevant functional and developmental information about the student. This includes:
  - (1) Any information provided by the parent; and
  - (2) Any information related to the student's ability to be involved in and progress in the general curriculum.
- d. Assessment tools and strategies selected by the team assist in determining:
  - (1) Whether the student has a disability and needs special education; and
  - (2) What the content of the IEP may be to address the special education needs.
- e. Standardized tests used to evaluate a student:
  - (1) Are validated for the purpose for which they are used;
  - (2) Are administered by trained and knowledgeable personnel, as determined by the test producer; and
  - (3) If administered in a nonstandardized manner, a description of the way(s) in which the variance occurred will be described in the evaluation report.
- f. Tests and other evaluation measures include those that are designed to assess specific areas of educational need, not only those designed to provide a single intelligence quotient.
- g. When testing students with impaired sensory, manual or speaking skills, the tests used will accurately reflect the student's actual abilities rather than solely reflect the impairment.
- h. No single evaluation tool will be used as the sole instrument in determining eligibility for special education, including the need for special education and related services.
- i. Each student is assessed in all areas related to each suspected disability(ies), including, if appropriate:
  - (1) Health; Vision; Hearing;
  - (2) Social and emotional status;
  - (3) General intelligence;
  - (4) Academic performance;
  - (5) Communication skills;
  - (6) Motor abilities.
- j. The evaluation is comprehensive enough to identify all the student's special education and related service needs, whether or not these needs are commonly associated with the suspected or identified disability category(ies).
- k. The district uses technically sound instruments that may assess the relative contribution of:
  - (1) Cognitive factors;
  - (2) Behavioral factors; and

- (3) Physical or developmental factors.
- l. The student is evaluated in a manner that assists in determining his/her educational needs.
- m. The district completes the assessment in a reasonable period of time. Reasonable period of time means within 60 school days, unless special circumstances require a longer period. The district documents these circumstances when they apply.

5. Eligibility Determination

- a. Once evaluation is completed, the district designates an eligibility team to determine whether or not the student is eligible for special education services. This team includes:
  - (1) Two or more professionals, one of whom will be knowledgeable and experienced in evaluating and teaching students with the suspected disability; and
  - (2) The student's parent.
- b. The eligibility team may be the IEP team.
- c. The district prepares a written eligibility statement that includes:
  - (1) A description of all evaluation data used in determining the student's eligibility;
  - (2) Determination of whether or not the student meets the eligibility criteria for one or more of the disabilities described in Oregon Administrative Rule. This determination includes documentation of:
    - (a) Whether the disability has an adverse impact on the student's education performance; and
    - (b) Whether the student needs special education as a result of the disability.
  - (3) Whether the determinant factor for eligibility determination is a lack of instruction in reading or math;
  - (4) Whether the determinant factor for eligibility determination is limited English proficiency;
  - (5) The signature of each member of the eligibility team, indicating their agreement or disagreement with the eligibility determination. If disagreeing, the team member(s) includes a separate statement of his/her conclusions.
- d. The district provides the student's parent with a copy of the evaluation report and documentation of eligibility determination.
- e. For students who may be eligible in more than one disability category, the district ensures that:
  - (1) The student is evaluated in all the areas related to the suspected disability(ies); and
  - (2) The student's IEP addresses all the special education and related service needs.

- f. In addition to the above, for students with suspected specific learning disabilities:
  - (1) The eligibility team includes:
    - (a) The student's regular classroom teacher, or if the student doesn't have a regular classroom teacher, a regular classroom teacher qualified to teach students who are the same age; and
    - (b) A person qualified to conduct individual diagnostic examinations (e.g., school psychologist, speech-language pathologist, other qualified professionals).
  - (2) The written evaluation report includes:
    - (a) Statement regarding whether the student has a specific learning disability;
    - (b) The basis for this determination;
    - (c) A description of relevant behavior that was documented during an observation of the student, including a description of the relationship of that behavior to the student's academic functioning;
    - (d) If appropriate, educationally relevant medical findings; whether there is a significant discrepancy between intellectual ability and achievement which is not correctable without special education; and
    - (e) A statement of eligibility team determination regarding the effects of environmental, cultural or economic disadvantage.

6. Termination of Special Education Eligibility

- a. Before determining that a student is no longer eligible for special education and related services, the district completes a reevaluation, except when:
  - (1) The student becomes ineligible because of graduation with a regular high school diploma; or
  - (2) The student becomes ineligible due to age.