

Special Education - Evaluation and Eligibility Procedures**

1. Requirements for Initial Evaluation

- a. The district conducts a full and individual evaluation of a student's educational needs that meets the criteria established in the Oregon Administrative Rules before determining that the student is eligible for special education services, and before beginning to provide special education and related services.
- b. Parents, the district, or state agencies other interested individuals may 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, Review of Existing Information and Evaluation Procedures below.)
- e. For an initial evaluation, the district:
 - (1) Provides the parent with prior written notice of the intent to conduct an initial evaluation, and obtains consent for such evaluation;
 - (2) Seeks to obtain informed consent from the parent for such an evaluation;
 - (3) If the parent refuses consent for initial evaluation, the district may seek a due process hearing in order to initiate the evaluation.
 - (4) The district shall not be required to obtain informed consent from the parent of a child for an initial evaluation if, despite reasonable efforts,
 - (a) The agency cannot discover the whereabouts of the parent;
 - (b) The rights of parents have been terminated in accordance with state law; or
 - (c) The rights of the parent to make educational decisions have been subrogated by a judge in accordance with state law and consent for evaluation has been given by an individual appointed by the judge to represent the child.
 - (5) Prior written notice of the refusal to conduct an initial evaluation.

2. Requirements for Reevaluation

- a. The district conducts a complete reevaluation:

- (1) At least once every three years unless the parent and district agree in writing the reevaluation is unnecessary and not more than once a year unless the parent and district agree otherwise; or
- (2) If the district determines that the educational or related services needs, including improved academic achievement and functional performance of the child warrant reevaluation or whenever conditions warrant a reevaluation, including if the student's parent or teacher(s) requests a reevaluation.

3. Evaluation Planning and Review of Existing Information: Evaluation and Reevaluation

- a. As part of an initial evaluation (if appropriate) and as part of any reevaluation, the IEP team, and other professionals as appropriate, shall review existing data and other information that is available, including
 - (1) Any evaluations and information provided by the parents;
 - (2) Any current classroom-based, local or state assessments and observations; and
 - (3) Any observations by teachers and other related service providers; and
- b. On the basis of that review, and input from the child's parents, identify what additional data, if any are needed to determine:
 - (1) Whether or not a student is eligible under any category(ies) of disability(ies), and the educational needs of the child or in case of reevaluation of a student, whether the student continues to have such a disability and such educational needs; including the need for special education and related service(s);
 - (2) The present levels of academic achievement and related development needs;
 - (3) Whether the student needs special education and related services or case of a reevaluation, whether the student continues to need special education and related services; 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 measurable annual IEP goals, and to participate in the general education curriculum.
- c. The IEP team and other professionals, as appropriate, may review existing information without a meeting, but the parent's information is required as described above. If a meeting is held, the parent will be provided the opportunity to participate.
- d. If the IEP team determines that no additional data are needed to determine whether the student continues to be a student with a disability and to determine the student's educational needs, the district
 - (1) Shall notify the student's parents of that determination, and the reasons for the determination; and the rights of the parent to request an assessment; and
 - (2) Is not required to conduct further assessment unless requested to do so by the parent.
- e. If additional data are determined to be necessary, the district provides the parent with prior written notice of the intent to conduct the evaluation and seeks to obtain informed consent for

such evaluation. If the parent does not respond or refuses consent for reevaluation, the district may seek a due process hearing in order to demonstrate the need for reevaluation.

- f. Parent consent is obtained prior to any testing of intelligence or personality.

4. Evaluation Procedures

- a. The district uses a variety of assessment tools and strategies to gather relevant functional, developmental and academic information, including information provided by the parent.
- b. The district ensures that all tests and evaluations used to assess a child are:
 - (1) Selected and conducted so as not to be racially or culturally discriminatory;
 - (2) Are provided and administered conducted in the student's native language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally or other mode of communication, unless it is clearly not feasible to do so;
 - (3) Are used for purposes for which assessments or measures are valid and reliable;
 - (4) Are administered by trained and knowledgeable personnel; and
 - (5) Are administered in accordance with any instructions provided by the producer of such assessments; and
 - (6) 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.
- c. 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.
- d. 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.
- e. 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.
- f. Each student is assessed in all areas related to each suspected disability, including, if appropriate:
 - (1) Health;
 - (2) Vision;
 - (3) Hearing;
 - (4) Social and emotional status;
 - (5) General intelligence;
 - (6) Academic performance;
 - (7) Communication skills;
 - (8) Motor abilities.
- g. 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).
- h. 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.
- i. The student is evaluated in a manner that assists in determining his/her educational needs.
 - j. The district completes the assessment in a reasonable period of time. Reasonable period of time means within 60 school days of receiving parental consent for evaluation, unless special circumstances require a longer period. The district documents these circumstances when they apply.
 - k. Assessment of children with disabilities who transfer from one school district to another in the same academic year are coordinated with children's prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of full evaluations.
 - (1) If a child enrolls in a school after the 60 day timeline has begun and prior to a determination of eligibility by the previous school district, the 60 day timeline does not apply to the subsequent district, but only if it is making sufficient progress to ensure a prompt completion of the evaluation and the parent and the district agree to a specific time for completion; or
 - (2) If the parent repeatedly fails or refuses to produce the child for the evaluation.

5. Eligibility Determination

- a. Once evaluation is completed, the district designates an eligibility team to determine
 - (1) Whether or not the student is a student with a disability; and
 - (2) The special educational needs of the child.
 - (3) Two or more professionals, one of whom will be knowledgeable and experienced in evaluating and teaching students with the suspected disability; and
 - (4) The student's parent.
- b. The district provides a copy of the evaluation report and the documentation of determination of eligibility to the parent.
- 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.
 - (f) The team may not find a child eligible for special education services if the determinant factor for such determination is lack of appropriate instruction in reading, math, or limited English proficiency.

6. Procedures: Independent Educational Evaluations

- a. The following procedures will apply to all requests for independent educational evaluations at District expense:
 - (1) Parents of students receiving special education services, pursuant to an IEP, as provided by the Individuals with Disabilities Education Act, or suspected of having a disability requiring special education services, may request that the District complete an evaluation or re-evaluation of their child at any time.

The District will respond to such requests by initiating the Special Education evaluation process to review screening and performance information to determine if an evaluation or re-evaluation is needed. If needed, an evaluation will be completed. If not needed, parents will receive written notice of refusal to evaluate and be informed of the procedural safeguards available to parents and students.

- (2) Parents may seek an independent educational evaluation when they are in disagreement with an evaluation completed by the District.
- (3) Triennial re-evaluations: If the school reviews existing evaluation data on a child:
 - (a) including evaluations and information provided by the parents of the child,
 - (b) current classroom-based assessments and observations, and
 - (c) observations by teachers and related services providers, and
 - (d) prior evaluations,

And determines that no additional testing is required in order to determine:

- (a) eligibility or non-eligibility for Special Education;
- (b) the present levels of performance and educational needs of the child; or
- (c) whether the student requires supplementary aids or related services.

Then the parents have the right to request that the District complete an assessment to determine whether the child continues to be a child with a disability. The District is not required to conduct the assessment unless requested to do so by the child's parents. If the parents request additional assessment the District will either complete the requested assessment or initiate due process to demonstrate why additional assessment is not required.

If parents do not request additional assessment, they may not seek an independent educational evaluation until the District has had an opportunity to complete an assessment requested by the parents.

3. If parents request an independent evaluation, the Director of Special Programs will be notified.
 - Parents will be provided a copy of the District procedures, including criteria for independent educational evaluations.
 - The District will determine whether to initiate due process to establish the appropriateness of its evaluation, or to approve an independent evaluation.
 - Parents may only request one publicly funded independent evaluation for each evaluation completed by the District.
 - The parents must request the independent evaluation within one calendar year of the date the results of the school evaluation were shared with the parents as documented on the diagnostic summary.
4. If the District agrees to purchase an independent evaluation, an evaluation plan will be developed which specifies the areas to be evaluated and who will complete each assessment. The assessment(s) completed will comply with District criteria for location of the evaluator(s), minimum qualifications of the evaluator(s), costs of the evaluation, and use of approved

assessment instruments. Prior Notice of Intent to Evaluate will be provided. Parents will be required to sign Consent to Evaluate and Permission to Obtain or Release Information between the independent education evaluator(s) and the District.

5. As part of the contracted evaluation, independent evaluators must agree to release their assessment information and results directly to the District prior to the receipt of payment for services. The results of the independent evaluation will be considered in making educational decisions, as required by the Individuals with Disabilities Education Act and/or Section 504 of the Rehabilitation Act of 1973.
6. Parents are not required to notify the District that they are obtaining an independent educational evaluation. However, if parents obtain an independent educational evaluation and the District demonstrates through a due process hearing that the evaluation completed by the District was appropriate or that the parents' evaluation did not meet District criteria, the parents will not be reimbursed the cost of the evaluation. If the independent evaluation obtained by the parents meets the District criteria, it will be considered in making an educational decision about the child.
7. When parents request payment for an independent educational evaluation that has already been completed, the Director of Special Programs will be notified.
 - Parents will be provided a copy of the District procedures including criteria for independent educational evaluations.
 - The District will determine whether to initiate formal due process to establish the appropriateness of its evaluation, or to consider payment for the independent evaluation.
 - The parents must request payment for the independent educational evaluation within one calendar year of the date the results of the District evaluation were shared with the parents, as documented on the diagnostic summary.
8. If the District considers paying for an independent educational evaluation, the evaluation must meet District criteria for location of the evaluator(s), minimum qualifications of the evaluator(s), costs of the evaluation, and use of approved assessment instruments.

B. Location Limitations for Evaluators

Evaluators will be located within the Portland Metro area. Evaluators outside of this area will be approved only on a case-by-case basis, providing the parents can demonstrate the necessity of using personnel outside the specified area. Any arrangements beyond the evaluation (i.e., food, lodging, transportation, etc.) are not covered in the costs of the independent evaluation.

C. Minimum Qualifications for Evaluators

Evaluators with credentials other than those listed below will not be approved unless the parent can demonstrate the appropriateness of using an evaluator meeting other qualifications. Credentials must be current.

Type of Assessment	Qualifications
Academic Achievement	Certified Special Education Teacher Licensed Psychologist School Psychologist
Adaptive Behavior	Certified Special Education Teacher Licensed Psychologist School Psychologist
Assistive Technology	Certified or Licensed Speech/Language Pathologist Certified Special Education Teacher Licensed Occupational Therapist
Auditory Acuity	Licensed or Certificated Audiologist
Auditory Perception	Licensed or Certificated Audiologist
Cognitive	Licensed Psychologist Licensed Psychiatrist School Psychologist
Health (including Neurological)	Licensed Physician
Motor/Sensory	Certified Adaptive Physical Education Specialist Licensed Physical Therapist Licensed Occupational Therapist
Speech and Language	Certified or Licensed Speech/Language Pathologist
Social/Emotional/Behavioral	Licensed Professional Counselor Licensed Psychiatrist Licensed Psychologist School Psychologist Social Worker (MSW)
Vision	Licensed Ophthalmologist or Optometrist
Functional Vision	Certified Teacher of the Visually Impaired with Master's Degree
Vision Perception	Certified Special Education Teacher with Master's Degree
School Psychologist	Transition Certified Special Education Teacher

D. Cost Limitations for Evaluations

An independent multi-disciplinary evaluation will be limited to a total cost of \$1,600. Single disciplinary evaluations will be limited to the following schedule of cost:

Academic Achievement	\$150 - \$400
Adaptive Behavior	\$100 - \$275
Assistive Technology	\$200 - \$500
Auditory Acuity	\$60 - \$300
Auditory Perception (CAP)	\$100 - \$300
Cognitive	\$200 - \$500
Health	\$50 - \$200
Neurological	\$500 - \$1,000
Motor	\$150 - \$325
Sensory/Motor Integration	\$200 - \$350
Speech and Language	\$200 - \$500
Social/Emotional/Behavioral	\$300 - \$750
Vision	\$60 - \$175
Functional Vision	\$60 - \$250
Transition	\$150 - \$400

Cost above these maximal amounts will not be approved unless the parent can demonstrate that such costs reflect a reasonable and customary rate for such evaluative services, or if the parents can demonstrate that there are other factors that make the extraordinary costs necessary.

When insurance will cover all or partial costs of the independent evaluation, the District will request that the parents voluntarily have their insurance pay the independent evaluation costs covered by their insurance. However, parents will not be asked to have insurance cover independent evaluation costs if such action would result in a financial cost to the parents including, but not limited to the following:

1. A decrease in available lifetime coverage or any other benefit under an insurance policy.
2. An increase in premiums or the discontinuance of the policy, or
3. An out-of-pocket expense such as payment of a deductible amount incurred in filing a claim.

Independent evaluators must agree to release their assessment information and results to the District prior to receipt of payment for services. The results of the independent evaluation will be considered in the diagnosis, program decisions, and placement of the student with disabilities as required by the Individuals with Disabilities Education Act and/or Section 504 of the Rehabilitation Act of 1973.

E. Sources of Independent Evaluation by Area of Assessment

Area of Assessment	Source
Academic Achievement/ Adaptive Behavior/Cognitive	Child Development and Rehabilitation Center (CDRC) (OHSU)

	Children's Program Mind Matters Western Oregon Assessment Center Dr. Albert (Skip) Greenwood, Ph.D. Dr. Tom Moran, Ph.D. Dr. Rick Robinson, Ph.D. Dr. Steve Waksman, Ph.D. Dr. Mark Weinrott, Ph.D.
Assistive Technology	CDRC (OHSU) Children's Program Legacy Emanuel Hospital
Auditory Acuity/ Auditory Perception (CAP)	Hearing and Speech Institute (OHSU)
Health (including Neurological)	Children's Program Legacy Emanuel Hospital OHSU Dr. Craig Meyers, MD (speaks Spanish) Dr. Richard Sogn, MD (Psychiatry)
Motor/Sensory	CDRC (OHSU) Legacy Emanuel Hospital St. Vincent's Hospital
Speech and Language	CDRC (OHSU) Children's Program Hearing and Speech Institute (OHSU) Mind Matters Western Oregon Assessment Center
Social/Emotional/Behavioral	CDRC (OHSU) Children's Program Mind Matters Western Psychological Services Youth Contact Dr. Albert (Skip) Greenwood, Ph.D. Dr. Tom Moran, Ph.D. Dr. Isabel Rosales, MD Dr. Rick Robinson, Ph.D. Dr. Mark Weinrott, Ph.D.
Vision/Vision Perception	Casey Eye Clinic Devers Eye Clinic Pacific University Functional Vision Pacific University

F. Approved Assessment Instruments for Use in Independent Educational Evaluations

The following listed test instruments are used to assess student skills in the areas identified. This list is not intended to be exhaustive but more as representative. Other test instruments as identified through the evaluation plan can be used. All listed instruments must be administered by a qualified examiner, be age appropriate to the child, and administered and scored in conformance with the publisher's instructions.

Assessment Area	Approved Instruments
Academic Achievement	Diagnostic Achievement Battery Diagnostic Reading Scales (Spache) Diagnostic Test of Arithmetic Strategies Kaufman Test of Educational Achievement Key Math Diagnostic Arithmetic Test Peabody Individual Achievement Test Silvaroli-Classroom Reading Inventory Test of Early Math Ability Test of Early Reading Ability Test of Early Written Language Test of Mathematical Abilities Test of Reading Comprehension Test of Written English Test of Written Language Test of Written Spelling Wechsler Individual Achievement Test Woodcock-Johnson Psycho-educational Battery Woodcock-Johnson Reading Mastery Tests Woodcock-Johnson Test of Achievement
Adaptive Behavior	AAMD Adaptive Behavior Scale Adaptive Behavior Evaluation Scale Devereaux Behavior Rating Scale Student Functional Assessment Vineland Adaptive Behavior Scales
Cognitive	Bayley Scales of Infant Development Cattel Infant Intelligence Scale Kaufman Assessment Battery for Children Leiter International Performance Scale Perkins Binet Stanford Binet Intelligence Scale – 4th Edition Test of Nonverbal Intelligence – 2nd Edition Wechsler Intelligence Scales (WIPPSI, WISC-IV, WAIS-R)
Motor	Bruiniecks-Osteresky Test of Motor Proficiency

Peabody Developmental Motor Scales

Perceptual/Sensory

Bender Visual Motor Gestalt Design
Developmental Test of Visual Motor Integration (Beery)
Motor Free Visual Perception Test
Test of Auditory Perceptual Skills
Test of Visual Perceptual Skills
Visual Aural Digit Span
Wepman Auditory Discrimination

Speech and Language

Boehm Test of Basic Concepts Revised
Bracken Basic Concepts Scale
Carrow Elicited Language Inventory
Clinical Evaluation of Language Functioning
(Preschool and Revised)
Expressive One Word Picture Vocabulary Test
Fisher Logeman Articulation Test
Goldman Fristoe Test Articulation
Peabody Picture Vocabulary Test-Revised
Preschool Language Scale (Zimmerman)
Receptive-Expressive Emergent Language Scale
Structured Photographic Expressive Language Tests II
Test of Adolescent Language
Test of Auditory Comprehension of Language Revised
Test of Early Language Development
Test of Language Development (TOLD-2 and TOLD-2
Primary)

Social/Emotional/Behavioral

Word Test Revised
Achenbach Child Behavior Checklist
Attention Deficit Disorder Evaluation Scale
Behavior Assessment System for Children
Behavior Disorders Evaluation Scale

Behavior Evaluation Scale
Burks' Behavior Rating Scale
Connors Rating Scale
Emotional and Behavior Problem Scale
Kinetic Drawing System
Pier-Harris Children's Self Concept Scale
Roberts Apperception Test for Children
Rorschach
Thematic Apperception Test
Autism Screen Instrument for Educational Planning
Childhood Autism Rating Scale
Detroit Tests of Learning Aptitude (Primary and
3rd Edition
Development Tasks for Kindergarten Readiness

Draw A Person
Goodenough-Harris Drawing Test
Hiskey-Nebraska
Jordan Left/Right Reversal Test
Kaufman Brief Intelligence Test
McCarthy Scales
Raven Progressive Matrices

7. 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.