

Special Education – Evaluation & 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.

- d. 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.
- e. 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;
 - (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.

- c. 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).
- d. 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.
- e. The student is evaluated in a manner that assists in determining his/her educational needs.
- f. 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.
- g. 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 to day timeline does not apply to the subsequent district, but only if the sit 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;
 - (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. 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.