

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. Parent/guardian, the district, state agencies or other interested individuals may refer a student for an initial special education evaluation. An initial eligibility evaluation will be conducted if the district suspects that a student may have a disability that has an adverse impact on educational performance and the student may need special education services as a result of the disability.
 - 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/guardian.
 - 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/guardian 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/guardian for such an evaluation;
 - (3) Shall provide prior written notice of the refusal to conduct an initial evaluation.
 - f. If the parent/guardian refuses consent for initial evaluation, the District may seek a due process hearing in order to initiate the evaluation.
 - g. The District shall not be required to obtain informed consent from the parent/guardian of a child for an initial evaluation if;
 - (1) The agency cannot discover the whereabouts of the parent/guardian;
 - (2) The rights of parent/guardians have been terminated in accordance with state law; or
 - (3) The rights of the parent/guardian 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.

2. Requirements for Reevaluation

a. The District conducts a complete reevaluation:

- (1) At least once every three years unless the parent/guardian and District agree in writing the reevaluation is unnecessary and not more than once a year unless the parent/guardian 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/guardian 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 parent/guardian;
- (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 parent/guardian, 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/guardian information is required as described above. If a meeting is held, the parent/guardian 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 parent/guardian of that determination, and the reasons for the determination; and the rights of the parent/guardian to request an assessment; and
- (2) Is not required to conduct further assessment unless requested to do so by the parent/guardian.

- e. If additional data are determined to be necessary, the District provides the parent/guardian with written prior notice of the proposed evaluation and requests written parent/guardian consent for the evaluation. If the parent/guardian fails to respond to the request for consent, the District documents that reasonable measures were taken to obtain consent (including, at a minimum, documentation that the parent/guardian received the notice and request) and then, except for personality or individual intelligence tests, conducts the reevaluation despite the lack of consent. If the parent/guardian refuses consent for reevaluation or fails to respond to a request for consent to personality or individual intelligence testing, the District may seek a due process hearing in order to demonstrate the need for reevaluation.
- f. Parent/guardian 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/guardian.
- 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) Provided and administered in the student's native language or other form of communication and in the 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) Used for purposes for which assessments or measures are valid and reliable;
 - (4) Administered by trained and knowledgeable personnel;
 - (5) 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; and
 - (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 parent/guardian consent for evaluation except in the following circumstances documented in the student's records:
 - (1) Special circumstances beyond the control of the District require a longer period;
 - (2) The District and the parent/guardian agree in writing to extend the deadline for an evaluation to determine eligibility for specific learning disabilities in accordance with OAR 581-015-2170.
 - (3) The parent/guardian repeatedly fails or refuses to produce the child for an evaluation.
 - k. The team prepares an evaluation report that describes and explains the results of the evaluation conducted. The District provides a copy of the evaluation report to the parent/guardian.
 - l. 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. 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 new district, if the new district is making sufficient progress to ensure a prompt completion of the evaluation and the parent/guardian and the District agree to a specific time for completion.

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.
- b. The team will include:
 - (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/guardian.
- c. In interpreting evaluation data to determine eligibility and the student's educational needs, the

team draws upon information from a variety of sources and ensures that the information is documented and carefully considered.

- d. The District prepares a written eligibility statement and provides a copy to the parent/guardian. The eligibility statement 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 Rules.
 - (3) A determination of whether the disability has an adverse impact on the student's education performance; and
 - (4) A determination of whether the student needs special education as a result of the disability.
 - (5) A determination of whether the primary basis for the suspected disability is:
 - (a) a lack of instruction in reading or math;
 - (b) limited English proficiency;
 - (6) 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.

- 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;
 - (e) Whether there is a significant discrepancy between intellectual ability and achievement which is not correctable without special education; and
 - (f) A statement of eligibility team determination regarding the effects of environmental, cultural or economic disadvantage.

- g. 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.