

Referral for an Evaluation Procedure Determining Eligibility For Special Education Procedure

The Teacher Support Team (TST) provides collaborative support to teachers as they develop effective strategies for students experiencing learning and behavioral difficulties in the classroom. When classroom interventions have been implemented and documented through the TST process and have been proven unsuccessful, a referral may be made to the special education **Team of Qualified Professionals (TQP)**.

The special education **Team of Qualified Professionals (TQP)** provides a procedure through which a child, suspected of having an educational disability, receives various types of individual evaluations to determine educational disability and the need for special education and related services. The process usually involves the identification of a problem or concern by a person most familiar with the child (teacher, guidance counselor, parent, doctor, etc.). When a referral is made to the special education, the TQP, the parents are notified and invited to participate in reviewing the referral and discussing the appropriate actions to be taken by the team. If the TQP determines that evaluations are needed to assist in determining eligibility, parental consent is required.

Eligibility and Evaluation

Section 1 – Purpose of an evaluation

The purpose of conducting an evaluation is to:

1. Gather information to determine whether a child has a disability and is eligible for special education, and
2. If eligible, determine the nature and extent of the special education and related services that the child needs.

Section 2 – Initiating a referral for Special Education eligibility

A referral for an evaluation to determine eligibility for special education services can be initiated from a variety of parties. The person making a referral has concerns about the student's development or has a suspicion that the student may have a disability. Once a special education referral is submitted to the TQP, the team must schedule the review of referral with parent within 10 school days. School districts must obtain permission from the parent to test prior to initiating any evaluations. This notice must describe any evaluation procedures that the district proposes to utilize.

Review of Existing Data

As a part of the initial evaluation, the TQP along with the parent of the child examines evaluation data that has been collected.

Examples of data that may be examined include:

1. Information and evaluations provided by the child's parents.
2. Several sources of data to document lack of achievement may include;
 - benchmark assessments conducted as part of the screening process;
 - progress monitoring data collected during the provision of early intervening, the student's state wide assessments (NECAP, Stat 10);
 - district wide assessments i.e.: Dibels, ACCESS any norm referenced tests of academic achievement;
 - the TQP must determine whether Response to Intervention (RtI) and early intervening activities are sufficient to make the initial eligibility determinations or whether additional assessments are needed;
 - use of multiple sources of data in reference to national norms and/or state standards as well as the students' educational progress across years in school should be documented.
3. Teacher, related service provider, and/or TQP observations.
4. Classroom work samples.
5. Behavioral observations and assessments.
6. Analysis of behavior plans and interventions.
7. Personal Literacy Plans,
8. Education history, attendance, report cards,
9. Health records,
10. Results of formative and summative assessments
11. Progress Reports summarizing RtI data

On the basis of that review, the team identifies what additional information, if any, is needed to determine:

1. The child's present levels of academic achievement and related development needs;
2. Whether the child qualifies as having a special education disability;
3. Whether the child requires special education and related services.

Parental Consent

If evaluations are needed, the following parental consents are required as initial steps in the evaluation process:

1. The parents' signature indicating consent to conduct initial evaluations must be received before any evaluations can be conducted. Only a parent, a surrogate parent, or legal guardian can provide consent for initial evaluations.
2. The district must complete the evaluations and the reports within 60 calendar days from the date the district receives the written consent. This time frame shall not apply in two situations.
 - a. If a child moves to a new school district after consent for evaluation has been obtained but before the evaluation can be completed; as long as the new district is making progress to complete the evaluation and the parent and Local Education Agency (LEA) agree to a specific time when the evaluation would be completed;
 - b. If the parent repeatedly fails or refuses to produce the child for an evaluation.
3. The parents' signature indicating consent to release the child's special education record must be received in order for non-educational agencies to release and receive information.

Parental consent is necessary when any assessment instrument is administered as part of an initial evaluation. The informed parental consent is not required for a re-evaluation if the District can demonstrate that it made reasonable efforts to obtain such consent and the child's parent has failed to respond. Reasonable effort refers to at least 3 written attempts to obtain consent. The District is not required to obtain parental consent for teacher and related service provider observations, or the administration of, or review of, the results of adapted or modified assessments that are administered to all children in a class, grade or school.

Parent Refuses Consent for Initial Evaluations

If the parent refuses initial consent for services, the LEA will not be considered to have failed to provide a Free Appropriate Public Education (FAPE) to the child and shall not be required to convene an IEP meeting about the child.

The LEA may not use due process to seek to provide services if parents have failed to provide consent.

Consent means:

1. The parent has been fully informed in his or her native language or other mode of communication of all information relevant to the activity for which consent is sought.
2. The parent understands and agrees in writing (the parents' signature) to the carrying out of the activity for which parents' consent is sought.
3. The consent describes that activity and lists any records that will be released and to whom.
4. The parent understands that granting of consent is voluntary and may be revoked prior to the action requiring said consent.

Revoking Consent for an Initial Evaluation

A parent who has provided consent for an initial evaluation may revoke their consent in writing at any time during the evaluation process.

Eligibility Report

Upon completion of the administration of tests and other evaluations, a determination of whether the student is eligible for special education services shall be made by the TQP including the child's parent or legal guardian.

A written evaluation/eligibility report must be prepared to document that a child is eligible for special education.

The report summarizes the information from all evaluations. A copy of the report must be given to the parent. If eligible, the parents are provided with a "Prior Written Notice" form indicating that the student is eligible and documenting the reasons why the team made that determination.

NOTE: If a parent disagrees with the district evaluations, the parent has the right to an independent evaluation. The parent needs to request the independent evaluation in writing.

In the event the TQP determines a student is eligible for special education services and programs, the team's decision will prompt the development of an individual education plan (IEP). The IEP team sets up a meeting at a mutually agreed upon time to develop an IEP. (See attached Eligibility Criteria for Disability Categories)

This initial series of steps are documented in writing and entered on the electronic log:

- Referral form outlining areas of concern and determination of the need to evaluate – **PPSD 1 A&B (Addendum to Referral) (RtI /TST Documentation)**
- Parent notification of the referral and invitation to the ET meeting for discussion – **PPSD 2**
- Parental Rights and Procedural Safeguards in Special Education are given to the parent –
- Information on the Local Advisory Committee on Special Education – **LAC Brochure**
- Parental notification of the determination by the TQP of the evaluations recommended and the request for consent to evaluate (or written notification by the TQP that they have reviewed the referral and determined that evaluations are not needed at this time) – **PPSD 3 (Consent to Evaluate) PPSD 6 Parent Notice (No Evaluation)**
- Assignment of evaluations – **PPSD 7**
- Parental notification of eligibility meeting with TQP to discuss findings – **PPSD 8A**
- Summary of findings (determination of disability or no disability) – **PPSD 4**
- **For Culturally Linguistically Diverse Students** - teacher/evaluator who is knowledgeable about the impact of second language acquisition on IQ scores, achievement test scores, and instruction must be present at time of eligibility. (LIFT teacher)

The LEA representative, along with the in TQP, for the purpose of determining special education eligibility and the educational needs of the child shall:

- √ Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, physical conditions, social or cultural background, language acquisition, and adaptive behavior;
- √ Ensure that information obtained from all of these sources is documented and carefully considered;
- √ The TQP shall develop a written report of its findings which is made available to the LEA and the parent. If the findings are that the child is eligible for special education services the report is also made available to the IEP Team.

The **Early Intervening Team** will provide guidance and support regarding evaluating and diagnosing a student with an emotional disturbance and/or an intellectual disability to ensure that a comprehensive evaluation is completed and appropriate eligibility is aligned with best practices.

Eligibility Criteria at a Glance

<p style="text-align: center;"><u>Autism</u></p> <ul style="list-style-type: none"> - Developmental disability affecting verbal/non-verbal communication and social interaction that affects a child's educational performance - Included in the spectrum are: Autism, Pervasive Developmental Disorder NOS, Rett's Disorder, Asperger's Disorder and Childhood Disintegrative Disorder. 	<p style="text-align: center;"><u>Deaf-Blindness</u></p> <ul style="list-style-type: none"> - Concomitant hearing and visual impairments, which causes such severe communication and other development/educational problems that cannot be accommodated in special education only for deaf or blind children - May require special equipment or instructional methods - Certified by qualified professionals - Diagnosed by an optometrist/ophthalmologist and physician or audiologist as deaf-blind
<p style="text-align: center;"><u>Orthopedic Impairment</u></p> <ul style="list-style-type: none"> - Severe orthopedic impairment including those caused by congenital anomaly or disease - Require special facilities, equipment or instructional methods - Certified by qualified professionals - Diagnosed by a physician 	<p style="text-align: center;"><u>Speech or Language Impairment</u></p> <ul style="list-style-type: none"> - Means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance - Certified by qualified professional
<p style="text-align: center;"><u>Traumatic Brain Injury</u></p> <ul style="list-style-type: none"> - Acquired injury to the brain by external physical force (not including congenital, degenerative or birth trauma) - May require special facilities, equipment or instructional methods - Certified by qualified professionals - Diagnosed by a physician 	<p style="text-align: center;"><u>Deafness</u></p> <ul style="list-style-type: none"> - Hearing impairment that hinders ability to process linguistics information through hearing with or without amplification - May require equipment or instructional methods - Certified by qualified professionals - Diagnosed by a physician or audiologist
<p style="text-align: center;"><u>Hearing Impairment</u></p> <ul style="list-style-type: none"> - Exhibit a hearing impairment, whether permanent or fluctuating - require special facilities, equipment or instructional methods - Certified by qualified professionals - Diagnosed by a physician 	<p style="text-align: center;"><u>Visual Impairment</u></p> <ul style="list-style-type: none"> - Means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness. - May require technology, equipment or instructional methods - Certified by qualified professionals with certified vision teacher in attendance

Eligibility Criteria at a Glance

<p style="text-align: center;"><u>Emotional Disturbances</u></p> <p>-One or more characteristics over a long period of time to a marked degree that adversely affects educational performance:</p> <ul style="list-style-type: none"> ❖ Inability to learn that can't be explained by intellectual, sensory or health factors ❖ Inability to build or maintain satisfactory interpersonal relationships with peers and teachers ❖ Inappropriate types of feelings or behavior under normal circumstances ❖ Generally pervasive mood of unhappiness or depression ❖ Tendency to develop physical symptoms of fears associated with personal or school methods ❖ Certified by qualified professionals ❖ Diagnosis by a psychiatrist or clinical psychologist ❖ TQP completes ED eligibility form 	<p style="text-align: center;"><u>Other Health Impairment</u></p> <p>Means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that</p> <ul style="list-style-type: none"> - Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia, and Tourettes Syndrome - Adversely affects a child's educational performance -Certified by qualified professionals
<p style="text-align: center;"><u>Intellectual Disability</u></p> <ul style="list-style-type: none"> -2 or more standard deviations below the mean on an IQ test. -Deficits in adaptive behavior in 2 or more areas -May require special equipment or instructional methods. -Certified by qualified professionals. -TQP completes ID eligibility form. 	<p style="text-align: center;"><u>Multiple Disabilities</u></p> <p>-Means concomitant impairments (such as mental retardation-blindness or mental retardation-orthopedic impairment), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments.</p> <ul style="list-style-type: none"> - May require special facilities, equipment or instructional methods -Term does not include deaf/blindness -Certified by qualified professionals
	<p style="text-align: center;"><u>Early Childhood Development Delay</u></p> <ul style="list-style-type: none"> -Between the ages of 3.0 and 8.11 -2 standard deviations below the norm in at least one of the following: *cognitive. 8physical development *fine or gross motor *expressive or receptive language, articulation, fluency, voice *social/emotional development, *adaptive functioning/self-help skills Or -1.5 standard deviations below the mean in two or more of the five areas listed above -Learning problems not result of bilingualism, cultural difference, disadvantage -Certified by qualified professionals

Specific Learning Disability

-Means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

-Does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of an emotional disturbance, or of environmental, cultural, or economic disadvantage.

- When determining whether a child has a specific learning disability,
- the LEA is not required to take into consideration whether a child has a severe discrepancy between achievement and intellectual ability.
- A LEA should use a process that determines if the child responds to scientific, research based interventions as a part of the evaluation procedures.
- Certified by team of qualified professionals

➤ For Culturally Linguistically Diverse Students

Teacher/evaluator who is knowledgeable about the impact of second language acquisition on IQ scores, achievement test scores, and instruction must be present at time of eligibility. (LIFT teacher)

- Observation in the child's learning environment (including the regular classroom setting) to document the child's academic performance and behavior in the areas of difficulty
- Specific documentation (SLD Report) must be completed.

The TQP, in determining whether a child has a specific learning disability must:

-use information from an observation during routine classroom instruction and monitoring of the child's progress that was done before the child was referred for an evaluation

-conduct an observation of the child's performance in the regular classroom after the child has been referred for an evaluation and parental consent is obtained.

The TQP determines that its findings . . . are not primarily the result of –

- visual, hearing, or motor disability
- mental retardation
- emotional disturbance
- cultural factors
- environmental or economic disadvantage
- limited English proficiency.

The TQP completes a learning disabilities eligibility form.

(Specific Learning Disability Continued)

To ensure that the underachievement in a child suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group must consider as part of the evaluation the following;

- Data that demonstrate that prior to, or as part of, the referral process, the child was provided appropriate and specific instruction and interventions in regular education settings, delivered by qualified personnel;
- Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the child's parents