

## IDENTIFICATION AND EVALUATION PROCEDURES

The following is the Daviess-Martin Special Education Cooperative procedures for the identification and evaluation for special education and related services for students ages 3 through the school year the student turns 22. These procedures apply to students who:

- ✓ Have legal settlement within one of the districts served by DMSEC,
- ✓ Attend a nonpublic school within the geographic area served by DMSEC,
- ✓ Are homeless or highly mobile, living in or previously lived in the DMSEC geographic area, or
- ✓ Are a ward of the state and living in the geographic area served by DMSEC, and
- ✓ Are suspected of being a student with a disability

The following are not considered Evaluation Procedures:

- ✓ A test or other evaluation that is administered to all students unless, before administration of the test or evaluation, consent is required from parents of all students.
- ✓ A screening of students by a teacher or a specialist to determine appropriate instructional strategies for curriculum implementation.
- ✓ A review of existing data regarding a student.
- ✓ The collection of progress-monitoring data when a student participates in a process that assesses the student's response to scientific, research-based interventions.

## REQUEST FOR AN INITIAL EDUCATIONAL EVALUATION

A parent, teacher, school administrator, specialist or student may initiate a request for an initial educational evaluation.

### **Parent or Eligible Student Request**

- 1) When a Parent or student, 18 years of age, want to initiate an educational evaluation they may:
  - a) Make their *request in writing* to the any teacher, school counselor, school psychologist, school social worker, principal, other administrator or District Director for Special Education Services. This request should include the student's name, birth date, address, phone number, school, grade and the reason the evaluation is being requested. The request should also be signed by the parent or eligible student. OR
  - b) Make the *request verbally* to any teacher, school counselor, school psychologist, school social worker, principal, other administrator or District Director for Special Education Services. The reason for the requested evaluation should be discussed to assist with the school staff understanding the needs of the student.
- 2) The school person receiving the request will **immediately notify DMSEC by completing the Notification of Request for Educational Evaluation, Form 1. This must be faxed to DMSEC at 812-254-1636 the same day the request is made.**
- 3) Each School Psychologist and Educational Diagnostician will be assigned public and nonpublic schools to accept requests for initial educational evaluations. This assignment will be reviewed at least annually by the DMSEC Administration.
- 4) The Diagnostic Staff Member assigned to the building will work with the building principal and general education teacher(s) to review the school records, educational data and other relevant information about the student's educational performance. They will collaborate with the general education teacher(s) to complete the Form 2, Data for Possible Initial Educational Evaluation.
- 5) The Diagnostic Staff Member will review data to determine;
  - a) If the educational records indicate there may be the presence of a disability and an evaluation will be recommended.
    - i) If the student has NOT participated in scientific, research-based interventions, the evaluation will be completed and a conference held within 50 school days.

- ii) If the student has participated in scientific, research-based interventions, the evaluation will be completed and the conference held within 20 school days.
  - b) If the educational records/data DO NOT indicate there is the possible presence of a disability, the request will be refused.
- 6) The DMSEC Staff Member will send a copy to the parent and a copy of the Notice of Procedural Safeguards along with either:
- a) The Written Notice of Proposal for Initial Educational Evaluation and Request for Consent, Form 3 and the Social Developmental History Form when there is a **suspected disability** OR
  - b) The Written Notice of School's Refusal to Conduct an Initial Educational Evaluation, Form 4, when there is **not a suspected disability**.
- 7) If an evaluation will be completed, the parent will be responsible for completing the Initial Social and Developmental History.

**School Request can be made by any teacher, school counselor, school psychologist, school social worker, principal or other administrator familiar with the student**

- 1) When a school staff member believes the student has a disability they should meet with the principal, teacher and other relevant personnel to review the school records, educational data and other relevant information about the student's educational performance. Complete Form 2 at this time. From this meeting, an appropriate option on how to proceed will be identified:
- a. The student is currently in a **scientific research-based intervention** and is making appropriate progress. The student should continue in the intervention and adjustments may be considered.
  - b. The student has **not participated in scientific research-based interventions**. Interventions will be initiated for the student, the time line to consider progress will be identified and a determination made of when and how the parent will be contacted to discuss the concerns.
  - c. There is no basis for considering a disability but a **medical condition** may exist that could be interfering with the student's educational progress. The parent will be consulted to obtain more information about any medical issues. Once medical documentation is provided, the school staff may consider if it indicates the presence of a Section 504 Handicap and if a Section 504 Plan should be developed to address classroom accommodations for the student.
  - d. There is a suspected disability the parent will be contacted by the building principal and/or general education teacher to discuss the concerns.
    - i. School personnel will then complete the **NOTIFICATION OF REQUEST FOR EDUCATIONAL EVALUATION, Form 1**. This form will be faxed the same day to DMSEC at 812-254-1636.
    - ii. Completed Form 2 must be faxed along with Form 1. Once completed Form 2 must then be faxed within the two days to the DMSEC at 812-254-1636.
    - iii. Within ten instructional days of receipt of Forms 1 and 2, the DMSEC will inform the school and parent of the decision to consent or refuse the evaluation.
- 2) If the parent provides written consent for an educational evaluation, it will be completed as follows:
- a. If the student has NOT participated in scientific, research based interventions, the evaluation will be completed and a conference held within 50 school days.
  - b. If the student has participated in scientific, research-based interventions, the evaluation will be completed and the conference held within 20 school days.
- 3) If an evaluation will be completed, the parent will be responsible for completing the Initial Social and Developmental History and return to the DMSEC.

***Wards of the State Not Residing with Parent***

For initial educational evaluations only, if the student is a ward of the state and is not residing with the student's parent, the public agency is not required to obtain consent from the parent for an initial evaluation to determine whether the student is a student with a disability if:

- 1) Despite reasonable efforts to do so, the public agency cannot discover the whereabouts of the parent of the student;
- 2) The rights of the parents of the student have been terminated in accordance with state law; or
- 3) The rights of the parent to make educational decisions have been subrogated by a judge in accordance with state law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the student.

### ***Referrals to State Facilities***

When referrals for any student from birth through the school year in which the student becomes twenty-two (22) years of age are made directly to the Indiana School for the Deaf, the Indiana School for the Blind and Visually Impaired, the Indiana Soldiers' and Sailors' Children's Home or any other state-operated school by other than the designated representative of the student's public school corporation of legal settlement, the following procedures shall be implemented:

- 1) The state-operated school shall refer the person making the contact back to the public school corporation of legal settlement.
- 2) The parents must sign a Release of Information to have all records transferred to the state facility.
- 3) The referral, evaluation and case conference committee meeting shall be the responsibility of the public school corporation of legal settlement.
- 4) If the student is eligible to attend the state facility, the local district will provide round trip transportation.

## **EVALUATION PROCESS**

### ***Multidisciplinary Team***

Once DMSEC has consented to conduct an evaluation of a student, the evaluation shall determine whether the student is eligible for special education and related services. If eligible, the evaluation will also identify the special education and related services necessary to meet the educational needs of the student. The multidisciplinary team completing an evaluation of a student shall be composed of at least one teacher licensed in, or other specialist with knowledge in, the area of suspected disability, and a school psychologist, except in the following situations:

- 1) For a student with a **suspected developmental delay**, at least two(2) qualified professionals from different disciplines based upon the needs of the student,
- 2) For a student with a **suspected language impairment**, a speech-language pathologist and at least one (1) qualified professional from a different discipline based upon the needs of the student
- 3) For a student with a **suspected speech only impairment**, a speech –language pathologist may serve as the sole qualified professional on the multidisciplinary team.
- 4) For a student with a **suspected specific learning disability**, the student's general education teacher or if the student does not have a general education teacher, a general education teacher qualified to teach students of the same age.
- 5) For early childhood students, an individual who holds an appropriate license to teach early childhood special education.
- 6) For a student with a **suspected low vision, blind or hard of hearing impairments, or has suspected multiple handicaps**, the DMSEC may request that representative of the state-operated school serve as a part of the multidisciplinary team only if the parent has provided written consent, in addition to the written consent to conduct the initial educational evaluation, for the representative's participation in the educational evaluation.

### ***Assessment Assurances***

DMSEC provides assurances that the assessments and other evaluation materials are as follows:

- Are provided and administered in the student's native language of mode of communication and
- Form most likely to yield accurate information on what the student knows and can do academically, developmentally and functionally, unless it is clearly not feasible to do so.
- Are selected and administered so as not to be discriminatory on a racial or cultural basis.
- Used for the purpose for which the assessment or measures are valid and reliable.
- Are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessments.

- Are technically sound instruments that may assess the relative contributions of cognitive and behavioral factors, in addition to physical or developmental factors.
- The assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those designed to provide a single general intelligence quotient.
- The assessments are selected and administered so as best to ensure that if an assessment is administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level, or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual or speaking skills, unless those skills are the factors that the test purports to measure.
- The student is assessed or information is collected in all areas related to the suspected disability, including, if appropriate, the following:
  - A) Development.
  - B) Cognition.
  - C) Academic achievement.
  - D) Functional performance or adaptive behavior.
  - E) Communication skills.
  - F) Motor and sensory abilities, including vision or hearing.
  - G) Available educationally relevant medical or mental health information.
  - H) Social and developmental history.
- Assessments of students with disabilities who transfer from one (1) public agency to another public agency in the same school year are coordinated with those students' prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of the evaluation.
- Assessment tools and strategies provide relevant information that directly assists the committee in determining the special education and related service needs of the student.
- Educational evaluations are sufficiently comprehensive to identify all of the student's special education and related service needs whether or not commonly linked to the disability category in which the student has been classified.
- In conducting the educational evaluation, the multidisciplinary team must use a variety of assessment tools and strategies, to gather relevant functional, developmental, and academic information about the student, including information provided by the parent, to assist in determining the following:
  - 1) Whether the student is eligible for special education and related services.
  - 2) The content of the student's individual educational program, including information related to enabling the student to be involved in and progress in the general education curriculum (or for an early childhood student, to participate in appropriate activities).

### ***Conducting the Educational Evaluation***

As part of the educational evaluation, the multidisciplinary team must, with or without a meeting, do the following:

- A. Review existing evaluation data on the student, including the following:
    - 1) Evaluations and information provided by the parents of the student.
    - 2) Current classroom, local, and state assessments.
    - 3) Classroom based observations and observations by teachers and related services providers.
  - B. On the basis of that review, and input from the student's parents, identify the following:
    - 1) The suspected disability or disabilities.
    - 2) Any additional data, that is required for the student's case conference committee (CCC) to determine:
      - a. Eligibility for special education; and
      - b. The special education and related service needs of the student.
- (3) Obtain information for the CCC to use in making determinations of eligibility.

## **EDUCATION REPORT**

After an educational evaluation has been completed, the multidisciplinary team must compile the findings of the multidisciplinary team into an educational evaluation report.

For a student with the **suspected disability of autism spectrum disorder**, the educational evaluation report must include the results of the multidisciplinary team's assessments, observations, and collection of information as aligned to the characteristics of autism spectrum disorder.

For a student with a **suspected learning disability**, the report must include the following:

1) For a student who has participated in a process that assesses the student's response to scientific, research-based interventions:

- A. Documentation of previous **parent notification** about:
  - a. the amount and nature of the student performance data that would be collected; and
  - b. general education services that would be provided;
- B. Strategies for increasing the student's rate of learning; and
- C. The parent's right to request an educational evaluation to determine eligibility for special education and related services; and
- D. The instructional strategies used; and
- E. The student centered data collected.

2) A **synthesis of the required educational evaluation components of eligibility** in relationship to the following:

- A. Whether the student does not achieve adequately for the student's age or to meet state grade level standards in one (1) or more of the following areas:
  1. Reading disability, which is a specific learning disability that is neurological in origin and has a continuum of severity. It is characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. A reading disability may be due to difficulties in:
    - a) basic reading skills;
    - b) reading fluency skills; and
    - c) reading comprehension.
  2. Written expression disability, which is a specific learning disability that is neurological in origin and has a continuum of severity. Written expression is a complex domain that requires the integration of oral language, written language, cognition, and motor skills.
  3. Math disability, which is a specific learning disability that is neurological in origin and has a continuum of severity. The ability to perform mathematical computations and reasoning requires multiple core cognitive processes. A math disability may be due to difficulties in:
    - a) mathematics calculation; and
    - b) mathematics problem solving.
  4. Oral expression disability, which is a specific learning disability that is neurological in origin and has a continuum of severity. It is characterized by deficits in using expressive language processes to mediate learning of reading, writing, spelling, or mathematics skills.
  5. Listening comprehension disability, which is a specific learning disability that is neurological in origin and has a continuum of severity. It is characterized by difficulties in using receptive language processes to mediate learning of reading, writing, spelling, or mathematics skills.
- B. Whether the student meets either of the following criteria:
  1. The student does not make sufficient progress to meet age or state grade level standards in one or more of the areas identified in subsection (A) when using a process based on the student's response to scientific, research-based intervention; or
  2. The student exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state grade level standards, or intellectual development, that is determined by the multidisciplinary team to be relevant to the identification of a specific learning disability. The multidisciplinary team is prohibited from using a severe discrepancy between academic achievement and global cognitive functioning to meet this requirement.
- C. The report must consider the effect the following factors have on the student's achievement:
  1. A visual, hearing, or motor disability;
  2. A cognitive disability;
  3. An emotional disability;
  4. Cultural factors;
  5. Environmental or economic disadvantage
  6. Limited English proficiency; or
  7. Lack of appropriate instruction in reading or math evidenced by the following:
    - a) Data demonstrating that prior to, or part of the referral process, the student was provided appropriate instruction in general education settings, delivered by qualified personnel.
    - b) Data based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the student's parents.
- D. The report must determine whether the multidisciplinary team believes the student has a specific learning disability and the basis for having that opinion. The opinion of the multidisciplinary team is utilized by the CCC to determine whether the student is eligible for special education.

- E. Each member of the multidisciplinary team must certify in writing whether the educational evaluation report reflects the member's opinion. If the report does not reflect the member's opinion, the member must submit a separate statement presenting the member's opinion.

### ***Evaluation Report Available to Parent***

When a parent provides consent for an educational evaluation they also may request a copy of the educational evaluation report prior to the CCC meeting. This copy of the educational evaluation report will be available at no cost to the parent not less than five (5) instructional days prior to the scheduled CCC meeting.

A parent may also request a meeting to have the results of the educational evaluation explained prior to the scheduled CCC meeting. The school will arrange a meeting with the parent and an individual who can explain the evaluation results within five (5) instructional days prior to the scheduled CCC meeting. The meeting shall be scheduled at a mutually agreed upon date, time, and place. A copy of the educational evaluation report must be provided at no cost to and reviewed with the parent at this meeting.

If the parent does not request a copy of the educational evaluation report or meeting to explain the evaluation prior to the initial CCC meeting, the public agency must provide a copy of the educational evaluation report at no cost to the parent at the CCC meeting. If the student is parentally-placed in a nonpublic school, the public agency shall also provide a copy of the educational evaluation report at no cost to the nonpublic school representative.

## **DETERMINATION OF ELIGIBILITY**

Upon completion of the educational evaluation, the CCC must be convened to determine:

1. Whether the student is eligible for special education and related services; and
2. If eligible, the special education and related services necessary to meet the educational needs of the student.

The student may be eligible for eligible for:

1. Autism Spectrum Disorder (AUT)
2. Blind or low vision (BLV)
3. Cognitive Disability – which includes Mild, Moderate and Severe Cognitive Disability (COG)
4. Deaf or Hard of Hearing (DHH)
5. Deaf Blind (DB)
6. Developmental Delay – which is for students age three (3) to five (5) (DD)
7. Emotional Disability (ED)
8. Language or Speech Impairment (LSI)
9. Multiple Disabilities (MU)
10. Other Health Impairment (OHI)
11. Orthopedic Impairment (OI)
12. Specific Learning Disability (SLD)
13. Traumatic Brain Injury (TBI)

The CCC must not determine that a student is eligible for special education and related services:

1. if the determinant factor is:
  - a. lack of appropriate instruction in reading, including the essential components of reading instruction, which means explicit and systematic instruction in:
    - i. phonemic awareness;
    - ii. phonics;
    - iii. vocabulary development;
    - iv. reading fluency, including oral reading skills; and
    - v. reading comprehension strategies;
  - b. lack of appropriate instruction in math; or
  - c. limited English proficiency; and
2. If a student does not otherwise meet the eligibility criteria for one of the thirteen disability areas identified in Article 7.

When determining eligibility for special education and related services, the CCC must consider all of the information contained in the educational evaluation report. It must not rely on any single measure or assessment as the sole criterion for determining eligibility or appropriate educational services.

If the case conference committee determines that the student only needs a related service, but not special education, the CCC cannot determine that the student is eligible for services under this article.

If a determination is made that a student is eligible for special education and related services, an individualized education program (IEP) that meets the special education and related service needs of the student must be developed.

Handbook 08 09/Ed Eval Procedures 08

July 20, 2008