

# Evaluation

## REVIEW OF EXISTING EVALUATION DATA

October 22, 2021

Disclaimer: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

©2020 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

**CONTENTS**

REVIEW OF EXISTING EVALUATION DATA ..... 1

    What is Required ..... 1

    Additional Procedures ..... 1

    Evidence of Implementation ..... 3

    Resources ..... 4

CITATIONS ..... 4

## REVIEW OF EXISTING EVALUATION DATA

### What is Required

A review of existing evaluation data (“REED”) is required as part of an initial evaluation, if appropriate, and as part of any reevaluation. The REED must be conducted by the ARD Committee members and other qualified professionals, as appropriate. The ARD Committee members may conduct the REED without a meeting. In conducting the REED, the ARD Committee must review 1) evaluation and information provided by the parents of the student; 2) current classroom-based, local, or state assessments, and classroom-based observations; and 3) observations by teachers and related services providers.

On the basis of the REED, and input from the student's parents, the ARD Committee must identify what additional data, if any, are needed to determine:

- Whether the student is a student with a disability, and the educational needs of the student, or, in the case of a reevaluation of the student, whether the student continues to have such a disability and the educational needs of the student;
- Whether the student needs special education and related services, or, in the case of a reevaluation of the student, whether the student continues to need special education and related services;
- The present levels of academic achievement and related developmental needs of the student; and
- Whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the individualized education program of the student and to participate, as appropriate, in the general education curriculum.

If the ARD Committee determines additional data is needed, the appropriate District Assessment Personnel must administer such assessments and other evaluation measures that are needed to produce the data needed. If the ARD Committee determines no additional data is needed, the Campus Special Education Personnel must notify the student's parents of that determination and the reasons for such determination, and notify the parents of their right to request an evaluation. The District is not required to conduct an evaluation unless the student's parents request one. See [EVALUATION PROCEDURES].

### Additional Procedures

Although a REED may be appropriate as part of an initial evaluation, it will be a very unusual case for an initial evaluation to consist only of a REED. In most situations formal assessment will be conducted for an initial evaluation. However, as part of the referral

process, Campus Special Education Personnel, with input from the student's teacher(s) and parents, will review existing data to determine what formal testing is indicated to ensure that a student is assessed in all areas of suspected disability.

When a reevaluation of student is needed, the ARD Committee, including qualified District Assessment Personnel, will conduct a REED. The REED should not occur more than once a year unless the parent and the District agree otherwise, or unless circumstances change. A REED must be conducted at least once every three years. Nothing in statute, rule, or regulations allows the District and parent to agree to extend the three-year deadline for a REED and possible reevaluation. The District is not required to obtain parental consent before conducting a REED as part of an initial evaluation or a reevaluation. However, consent will be obtained if the REED indicates that a formal reevaluation is needed. See [CONSENT FOR REEVALUATION].

The District or Campus Assessment Personnel schedule the REED meeting. This may be an ARD Committee meeting, an informal staffing, a phone or video conference, or other method. A REED is conducted by an ARD Committee and may include other members with knowledge of the student, as appropriate. Specifically, the following individuals must be involved in the REED: the parent or the adult student, a Campus Administrator, a general education teacher of the student, a special education teacher of the student, a related service provider, if any, and District or Campus Assessment Personnel. In the case of a student with a visual impairment, the REED must include an appropriately certified orientation and mobility specialist. While a REED does not have to take place during an ARD Committee meeting, it must be conducted by the appropriate ARD Committee members, including the parent.

The REED must contain specific data in all areas required by the FIE (health, vision, hearing, social, emotional/behavior, cognitive functioning, academic performance, communications status, motor abilities, adaptive behavior, and assistive technology), as appropriate. A REED will include a review of some or all of the following information:

- The Student's Evaluations, Including Independent Evaluation Conducted by Outside Agencies or any Evaluations Provided by the Parent;
- Other Information Provided by the Student's Parents or the Adult Student;
- The Student's Current Classroom-based, Local, or State Assessments;
- Teacher Input;
- Classroom-based Observations;
- Related Service Providers Input and Observations
- Curriculum-based Measurements (CBMs);
- Criterion-referenced Assessments;
- STAAR results;
- Report Cards;
- Discipline Reports;
- Attendance Records;

- Medical and Health Records; and
- Any Other Pertinent Student Information.

The ARD Committee may rely on the determination that no additional assessment is needed after conducting a REED. However, the District Personnel involved in the decision should carefully consider when the last formal assessment was conducted and whether formal assessment should be completed because of the passage of time, changes in the student's performance, or other relevant factors. Some or all of the following should be considered:

- What is the history of the assessment?
- Has there been a thorough evaluation conducted previously?
- How long ago was the last complete evaluation?
- What special education services is the student receiving and for how long?
- Are significant changes in placement/services being considered?
- What is the nature of the disability?
- What is the age of the student?

If the ARD Committee determines that no additional assessments are needed, the REED becomes the evaluation report and should then be presented at an ARD Committee meeting (if the REED meeting was not at an ARD meeting) and specific eligibility and need for services should be reviewed. The date that the REED is reviewed and accepted by the ARD Committee will be entered as the new FIE date. A copy of the REED should be included in the student's file along with any needed documentation for eligibility. In addition, District or Campus Assessment Personnel must send a Prior Written Notice to the parent indicating the reasons for the REED decision and providing the parent the opportunity to request an evaluation. See [PRIOR WRITTEN NOTICE] and [EVALUATION PROCEDURES].

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

### **Evidence of Implementation**

- REED Document
- Minutes from REED Meeting
- List of Attendees for REED Meeting
- Determination of REED
- Prior Written Notice
- FIE
- ARD/IEP

- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Review of Existing Evaluation Data Framework - Region 18](#)

[Letter to Anonymous, 48 IDELR 136 \(OSEP 2007\) – U.S. Department of Education](#)

[OSEP Letter to Copenhaver \(October 19, 2007\) - U.S. Department of Education](#)

[Review of Existing Evaluation Data Frequently Asked Questions – Texas Education Agency](#)

[Guidance Relating to Evaluations: Review of Existing Evaluation Data - Texas Education Agency](#)

[Evaluation and Reevaluation - SPEDTEX](#)

## **CITATIONS**

34 CFR 300.305; 19 TAC 89.1040

# Evaluation

## EVALUATION PROCEDURES

October 22, 2021

Disclaimer: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

©2020 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

**CONTENTS**

EVALUATION PROCEDURES ..... 1

    What Is Required ..... 1

        Group of Qualified Professionals ..... 1

        Initial Evaluations..... 1

        Timeline for Conducting Initial Evaluations ..... 1

        Reevaluations ..... 2

        Evaluation Procedures..... 3

    Additional Procedures ..... 4

        Initial Evaluations..... 6

        Reevaluations ..... 7

    Evidence of Implementation..... 9

    Resources..... 9

CITATIONS ..... 10



# EVALUATION PROCEDURES

## What Is Required

An evaluation under the IDEA is the collection of information to determine whether a student is a student with a disability, and to determine the educational needs of the student. The District must complete a REED before conducting an initial evaluation of a student, if appropriate, and as part of any reevaluation, provide the parent with a Prior Written Notice regarding the evaluation, and comply with the parental consent requirements. See [REVIEW OF EXISTING EVALUATION DATA] and [PRIOR WRITTEN NOTICE] and [CONSENT].

## **Group of Qualified Professionals**

The evaluation is conducted by a multi-disciplinary team of qualified professionals. Upon completion of the administration of assessment and other evaluation measures by the evaluators, a group of qualified professionals and the parent of the child determines whether the child is a child with a disability and the educational needs of the child. In Texas, the group of qualified professionals that makes this determination is the student's ARD Committee. The team of qualified professionals, or the ARD Committee, that collects or reviews evaluation data in connection with the determination of eligibility must include but is not limited to an educational diagnostician and/or LSSP, and other appropriately certified persons with experience and training in the area of the disability. Additional professionals may be required as defined under each eligibility category. See *all procedures under* [EVALUATION].

## **Initial Evaluations**

The District or Campus Assessment Personnel must conduct a full and individual initial evaluation (FIIE) before providing special education and related services to a student with a disability. Before the District or Campus Assessment Personnel conducts an initial evaluation, the District or Campus Assessment Personnel must make reasonable efforts to obtain informed parental consent. See [CONSENT]. The initial evaluation must consist of procedures to determine:

- Whether the student is a student with a disability; and
- The educational needs of the student.

## **Timeline for Conducting Initial Evaluations**

A written report of an initial evaluation must be completed:

- Not later than the 45th school day following the date on which the District or Campus Assessment Personnel receive written consent for the evaluation from

the student's parent. If a student has been absent from school during that period on three or more school days, the period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent; or

- For students under five years of age by September 1 of the school year and not enrolled in public school, and for students enrolled in a private or home school setting, not later than the 45th school day following the date on which the District or Campus Assessment Personnel receive written consent for the evaluation from the student's parent; but

If the District or Campus Assessment Personnel receive written parent consent at least 35, but less than 45, school days before the last instructional day of the school year:

- the written report of the FIIE must be provided to the student's parent not later than June 30 of that year; or
- If the student was absent from school during that time three or more days, the written report of the FIIE must be completed not later than the 45<sup>th</sup> school day following the date on which consent was received plus the number of school days the student was absent.

A student is considered absent for the school day if the student is not in attendance at the school's official attendance taking time or at the alternate attendance taking time set for that student.

In determining evaluation timelines, a "school day" does not include a day that falls after the last instructional day of the spring school term and before the first instructional day of the subsequent fall term.

If the student was in the process of being evaluated for special education eligibility by another district and enrolls in the District before the previous district completes the initial evaluation, the District must coordinate with the previous district as necessary and as expeditiously as possible to ensure a prompt completion of the evaluation. See [CHILDREN WHO TRANSFER].

## Reevaluations

District Assessment Personnel will complete a reevaluation of a student with a disability:

- if the ARD Committee determines that the educational or related services needs of the student warrant a reevaluation, including improved academic achievement and functional performance;
- if a reevaluation is requested by the student's parents or teacher; or

- before determining that the student is no longer a student with a disability.

A reevaluation must occur not more frequently than once a year, unless the parent and the ARD Committee, through the REED, agree otherwise, and at least every three years, unless the parent and the ARD Committee, through the REED, agree that a reevaluation is unnecessary. See [REVIEW OF EXISTING EVALUATION DATA]

## Evaluation Procedures

When conducting the evaluation, District or Campus Assessment Personnel must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, including information provided by the parent, that may assist in determining:

- Whether the student is a student with a disability; and
- The content of the student's IEP, including information related to enabling the student to be involved in and progress in the general education curriculum, or for the preschool student, to participate in appropriate activities.

District or Campus Assessment Personnel must use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. These assessments and other evaluation materials include those tailored to assess areas of educational need and not merely those that are designed to provide a single general intelligence quota.

The assessments and other evaluation materials used to assess the student must be selected and administered so as not to be discriminatory on a racial or cultural basis. In addition, the assessments and other evaluation materials must be provided and administered in the student's native language or other mode of communication and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally (unless it is not feasible to provide or administer in that fashion).

The assessment instruments must be used for the purposes for which the assessments or measures are valid and reliable, and must be administered by trained and knowledgeable personnel who administer the assessments in accordance with any instructions provided by their producers.

The assessments used by District or Campus Assessment Personnel must be 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 procedures used will differentiate between language proficiency and disability.

The evaluation must be sufficiently comprehensive to ensure that the student is assessed in all areas of suspected disability, including, if appropriate:

- Health;
- Vision;
- Hearing;
- Social and emotional status;
- General intelligence;
- Academic performance;
- Communicative status and
- Motor abilities.

The evaluation must also be sufficiently comprehensive to identify all 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.

Once the FIE is completed, the ARD Committee must review the evaluation. If a determination is made that the student has a disability and needs special education and related services, an IEP will be developed for the student.

### **Additional Procedures**

District Assessment Personnel will ensure that all timelines are followed and that evaluations are completed in accordance with federal and state law.

For all evaluations, Campus and District Assessment Personnel will ensure that current versions of applicable assessments are used and that those administering the assessments have adequate familiarity with how the test is to be administered. Assessment Personnel will also consider whether any extenuating circumstances exist that might impact the assessment such as the health of the student, environmental factors, absences, or other outside influences.

Evaluations help ARD Committees identify the specialized instruction and related services students with disabilities need to receive FAPE, in addition to being used for eligibility purposes. It is imperative for staff working directly with the student to share information about the student's progress or lack of progress, or changed circumstances so that an ARD Committee can determine if additional assessment is indicated.

Campus and District Assessment Personnel will ensure that all assessments are comprehensive and address all concerns and suspected areas of disabilities. The following are components of a full and individual evaluation:

- Reason for Referral
- Sources of Data
- Sociological

- Family History
- Educational History
- Test Conditions and Behavior
- Language/Communication
- Physical/Developmental/Medical
- Academic Achievement/Educational Performance Levels
- Intellectual/Cognitive Functioning
- Adaptive Behavior
- Emotional/Behavioral/Social Functioning
- Assistive Technology
- Post-Secondary Transition
- Conclusions
- Recommendations
- Assurances
- Signatures of multidisciplinary team members

The District or Campus Assessment Personnel will summarize the pertinent findings in all of the above areas, if appropriate, in the FIE and will document the members of the multi-disciplinary team as participants in the FIE. For any related services being considered (i.e. OT, PT, Counseling, AT, etc.), the District or Campus Assessment Personnel will ensure that the FIE includes an assessment and information relevant for the ARD Committee to determine whether that related service is appropriate for the student.

The District or Campus Assessment Personnel will place the final FIE and any relevant supporting data in the student's eligibility folder on the campus. All original protocols or other assessment materials will be maintained in the file of the District or Campus Assessment Personnel and will not be copied. If the parent requests copies of the protocols, the District or Campus Assessment Personnel will instead sit down with the parent at a mutually-agreeable time to review the protocols and information with the parent.

The FIE will be provided to the parent within a reasonable time before the ARD meeting. For an initial evaluation, the District or Campus Assessment Personnel will review the results of the evaluation prior to the ARD meeting in a face-to-face meeting with the parent, when possible. For reevaluations, a face-to-face meeting may not be necessary; however, the results of the evaluation should be reviewed with the parent prior to the ARD.

If a determination is made that the student has a disability and needs special education and related services, an IEP must be developed for the student. Or, if the re-evaluation indicates a need for changes to the student's IEP, an ARD Committee will meet to review and revise the student's current program.

## Initial Evaluations

For initial evaluations, Campus Special Education Personnel (preferably the Special Education Assessment Personnel and/or in consultation with Special Education Assessment Personnel) will meet with parents to explain the evaluation process and attain informed consent to evaluate. Campus Special Education Personnel will communicate with District or Campus Special Education Assessment Personnel regarding the date consent was signed and the date on which the assessment must be completed. A student's absences during the assessment process will be monitored in case the assessment deadline needs to be adjusted due to student absences. District or Campus Assessment Personnel will collect and review relevant information before deciding what specific assessments will be administered for an initial FIE. This collection of information will include some or all of the following:

- Concerns from parent regarding the student's academic, developmental, emotional or functional performance, including any suspected disability
- Concerns from teacher(s) or other Campus Personnel regarding the student's academic, developmental, emotional or functional performance in the classroom, including any suspected disability
- Parent Information Form
- Teacher Observation Form
- Documentation of all interventions or accommodations provided to the student and the result of those interventions or accommodations
- Hearing and vision information
- Report card or other grade reports
- Attendance records
- Student profile information
- State & District assessment results
- Dyslexia screenings/evaluations
- Work samples
- Communication skills documentation
- Behavior logs and/or disciplinary referrals
- LPAC information (if applicable)
- Home language survey
- Section 504 documents (if applicable)
- Information received from outside sources (i.e. medical/psychological reports)

This data will inform the type of formal and informal assessments that will be conducted/utilized. However, District or Campus Assessment Personnel will inform the parent and consent will be obtained to conduct a comprehensive evaluation in all areas of suspected disability and need. The parent may not limit the scope of the evaluation. If during the process of an evaluation, additional information supports expanding the evaluation into an area which was not originally suspected, the multi-disciplinary District

or Campus Assessment team that reviews and conducts the evaluation will collaborate regarding the scope of the evaluation and ensure that all areas of suspected disability and need are fully evaluated within the applicable timelines.

Once the initial FIE is completed, the ARD Committee will meet to review the evaluation. The ARD Committee will meet to review an initial FIE within 30 calendar days from the date of the completion of the initial FIE. If the 30<sup>th</sup> day falls during the summer and the school is not in session, the ARD Committee will have until the first day of classes in the fall to meet unless ESY is recommended, and, then, the ARD Committee should meet as soon as possible. If the 30<sup>th</sup> calendar day falls on a weekend, holiday, or teacher work day, the ARD Committee will meet before the 30<sup>th</sup> day.

## Reevaluations

A reevaluation may occur not more than once a year, unless the parent and the District agree otherwise, and must occur at least once every 3 years. Unlike initial evaluations, there is no timeline from the date of parental consent for a reevaluation to be completed. The ARD Committee should determine the evaluation completion date. As part of all reevaluations, the ARD Committee will conduct a REED to determine the scope of the reevaluation. See [REVIEW OF EXISTING EVALUATION DATA]. All REED meetings should be conducted at least 90 days prior to the 3-year reevaluation due date, or sooner, if the student's circumstances warrant an earlier timeframe. If formal assessment is recommended as part of the REED by the ARD Committee, parental consent will be obtained by the District or Campus Assessment Personnel and all components of the FIE will be completed. See [PRIOR WRITTEN NOTICE] and [CONSENT FOR REEVALUATION]. If the ARD Committee determines that no additional formal assessments are needed, the REED becomes the reevaluation report and should then be presented at an ARD Committee meeting (if the REED meeting was not at an ARD meeting) and specific eligibility and need for services should be reviewed. The date that the REED is reviewed and accepted by the ARD Committee will be entered as the new FIE date.

## DATA COLLECTION

- The Evaluation/Assessment specialist is responsible for collecting previous evaluations and information provided by the parents (English, Spanish), current classroom-based, local, and/or state assessments, classroom-based observations and related service providers, and health information provided by the school nurse.
  - Any personnel (including nurse when appropriate), with relevant information concerning the student should address those competencies about which they have direct knowledge and/or observation in the eSTAR system.
  - Following written and/or verbal guidance by the assessment representative, parents will be provided a questionnaire for completion.

### REED Process

Review of data may take place in an ARDC meeting or a REED (Review of Existing Evaluation Data) meeting;

- The REED must be conducted by qualified professionals.
- For VI students, a representative of the Programs for the Visually Impaired must be present.
- For AI, a representative from the Program for the Deaf and Hard of Hearing must be a part of the ARDC.
- Parents/Guardian

Based on the available data, the determination of the need for a formal evaluation is made.

If the decision is to conduct additional evaluation:

- The parents will be asked to complete the information forms, and to sign the Notice and Consent for Evaluation.
- The FIE must be completed no later than 3 years from the most recent FIE date.
- The Evaluation/Assessment staff Specialist will schedule an ARD/IEP committee meeting, at which time the Evaluation/Assessment staff Specialist will review the re-evaluation data.

If the decision is to continue the current disability identification without any additional formal evaluation information:

- The Evaluation/Assessment staff Specialist will complete the REED document and it will stand as the Full and Individual Evaluation Report.
- The appropriate Documentation of Disability forms will be completed and attached. This information is placed in the student's special education eligibility folder.
- Parents/Guardians will be notified of:
  - the determination and the reasons for the determination; and
  - the right to request an assessment to determine whether the child continues to be a child with a disability, and to determine the child's educational needs.

### Outside Evaluations

When presented with outside evaluations provided by parents, MFISD must consider as part of child find, eligibility, and/or provision of special education services.

300.111(a)(1)(i) The evaluations will be reviewed in a timely fashion.



Parents may provide private evaluations in a timely manner to the school for consideration. Parents are encouraged to provide the report in full so that staff can best assist the student in programming.

- A. If the student is not currently in special education or receiving 504 accommodations, the evaluation is given to the counselor who:
  - a. Shares information with staff.
  - b. Offers parent option to request a formal evaluation for 504 program services or special education services.
- B. If the student is currently enrolled in either 504 or special education services, the evaluation is provided to campus 504 Coordinator or Special Education ARD Facilitator. If given to staff in an ARDC or 504 meetings, staff may choose to delay review of evaluation and reconvene at a later date to discuss possible implications/changes in programming.
- C. For receiving special education services, Marble Falls ISD evaluation representative will request Consent to Release Records to allow MFISD to follow up with private evaluator(s) should additional information related to the private evaluation report be needed.
- D. An ARDC/504 meeting will be scheduled to consider outside evaluation(s).

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

### **Evidence of Implementation**

- Referral Packet
- Assessment Plan
- Notice of FIE
- Consent for FIE
- REED
- FIE
- ARD/IEP
- Documentation for the state in TSDS, PEIMS, and SPP

### **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Evaluation Procedures Framework - Region 18](#)

[Technical Assistance: Child Find and Evaluation- Texas Education Agency](#)

[OSEP Letter to Mintz \(Feb. 10, 2011\) - U.S. Department of Education](#)

[OSEP Letter to Blodgett \(Nov. 12, 2014\) - U.S. Department of Education](#)

[OSEP Letter to Unnerstall \(Apr. 25, 2016\) - U.S. Department of Education](#)

[Letter to Zirkel \(Dec. 11, 2008\) - U.S. Department of Education](#)

[Letter to Zirkel \(Jan. 6, 2011\) - U.S. Department of Education](#)

[Evaluation and Reevaluation - SPEDTEX](#)

[TEA Re-evaluation FAQ](#)

## **CITATIONS**

Board Policy EHBAA; 34 CFR 300.8(a)(1), 300.301, 300.303, 300.304(b)–(c), 300.306(a)(1); Texas Education Code 29.004; 19 TAC 89.1011, 89.1040(b)–(c), 89.1050(a), 89.1070(h), 89.1230

# Evaluation

## SUMMARY OF PERFORMANCE

October 22, 2021

Disclaimer: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

©2020 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

**CONTENTS**

SUMMARY OF PERFORMANCE ..... 1

    What is Required ..... 1

    Additional Procedures ..... 1

    Evidence of Implementation ..... 2

    Resources ..... 2

CITATIONS ..... 2

## SUMMARY OF PERFORMANCE

### What is Required

A summary of performance (“SOP”), generally refers to a summary of the student’s academic achievement and functional performance which includes recommendations on how to assist the student with a disability in meeting the student’s postsecondary goals. An SOP is required for the student whose eligibility under special education terminates due to graduation from secondary school with a regular high school diploma or due to exceeding the age of eligibility for FAPE.

The SOP must consider the views of the parent, the views of the student, and written recommendations for adult service agencies (such as the Department of Assistive and Rehabilitative Services) on how to assist the student in meeting postsecondary goals.

An evaluation must be included as part of the SOP for students graduating based on:

- Completion of the credit requirements for graduation under the Foundation High School Program or the Minimum High School Program through courses, one or more of which contain modified curriculum;
- Satisfactory performance on required state assessments, unless the ARD Committee has determined that satisfactory performance on the assessments is not necessary for graduation; and
- Completion of the individualized education program. See [GRADUATION] and [REVIEW OF EXISTING EVALUATION DATA].

### Additional Procedures

When the SOP will be completed may vary depending on the student’s post-secondary goals, but must be completed no later than the final year of a student’s high school education. The SOP is critical as a student transitions from high school to higher education, training and/or employment. Students may share their SOP with colleges, adult agencies, vocational and rehabilitative centers, employers, and others. The SOP helps entities identify services and accommodations the student may require in the classroom, the workplace, or the community. In some instances, it may be most appropriate to wait until the spring of a student’s final year to provide an entity, agency, or employer the most updated information on the performance of the student.

The completion of the SOP may require the input of the student’s special education teacher, regular education teacher, school psychologist, or related service personnel. The SOP should include information about the student, including the most recent formal and informal assessment reports that document the student’s disability and provide information to assist in post-high school planning. The SOP should also provide

information about the student's performance in at least three areas: functional, academic, and cognitive. The SOP should identify, if applicable, the accommodations, modifications, assistive technology, or general areas of need that were essential in high school to assist the student in making progress and which are needed for the student to be successful in a post-high school environment.

Campus Special Education Personnel will meet with the student and parent prior to the student's annual ARD to explain and discuss the SOP and solicit the student and parent's input. The student's contribution to the SOP can help the student better understand the impact of his/her disability on academic and functional performance in the postsecondary setting. The student will be given a copy of the SOP at the student's final annual ARD Committee meeting.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

### **Evidence of Implementation**

- Documentation of Meetings to Complete SOP
- Summary of Performance Document
- Graduation ARD document
- ARD/IEP
- Documentation for the state in TSDS, PEIMS, and SPP

### **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Summary of Performance Framework - Region 18](#)

[Secondary Transition Guidance-Texas Education Agency](#)

[OSEP Letter to Green-Churchwell \(Oct. 19, 2007\) - U.S. Department of Education](#)

[OSERS Questions and Answers on Secondary Transition \(Revised 2011\) - U.S. Department of Education](#)

### **CITATIONS**

Board Policy EHBAA; 34 CFR 300.305(e); 19 TAC 89.1070

# Evaluation

## AUTISM

October 22, 2021

Disclaimer: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

©2020 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

**CONTENTS**

AUTISM..... 1

    What is Required ..... 1

    Additional Procedures ..... 1

    Evidence of Implementation..... 3

    Resources..... 3

CITATIONS ..... 3



## **AUTISM**

### **What is Required**

A student must be assessed under the IDEA in all areas of suspected disability. Autism or AU is one of the areas of eligible disabilities under the IDEA.

Autism (AU) is a developmental disability significantly affecting verbal and nonverbal communication and social interaction, which may adversely affect the student's educational performance. Other characteristics often associated with autism include engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. While the characteristics of autism are generally evident before age 3, age 3 is not a cut-off point for IDEA eligibility. A student who manifests these characteristics after age 3 could be identified as having autism if the student meets the other eligibility criteria. Students with pervasive developmental disorders are included under the disability category of autism. A student does not meet the eligibility criteria for autism if the student's educational performance is adversely affected primarily because the student has an emotional disturbance. See [EMOTIONAL DISTURBANCE].

To assess for AU, the District or Campus Assessment Personnel will comply with the general evaluation procedures. See [EVALUATION PROCEDURES]. In addition, for AU, the written report of the evaluation by this group of qualified professionals must include specific recommendations for behavioral interventions and strategies.

### **Additional Procedures**

A referral for an autism evaluation may be indicated when the District or Campus Personnel working with the student and/or the parent of the student suspects the student is exhibiting social and behavioral characteristics of autism.

An evaluation for a student suspected of being a student with autism often includes the following areas: academic achievement, adaptive behavior, autism screening, cognition, developmental, emotional and behavioral, functional behavioral, motor, sensory, social relationships, speech language, and transition/vocational. A multi-disciplinary team will complete the evaluation for AU, which may include, as appropriate an educational diagnostician, a LSSP, a Speech/Language Pathologist, and/or an Occupational Therapist. The multi-disciplinary team should collaborate to create an evaluation plan to identify the procedures/assessments to be used in each area of the evaluation, to identify the person(s) responsible for collecting the data, to set a date for a follow-up discussion to review the data, and to make recommendations as to how the report will be integrated into one report. The resulting FIE should present a coherent rationale to either support or negate a recommendation for special education eligibility as a student with AU and rule

out alternative educational disorders and environmental explanations for the student's observed behavioral and/or academic difficulties.

Upon completion of the AU evaluation, each member of the evaluation team should sign the FIE. If the student is eligible for special education as a student with Autism, a Disability Report in this area will be completed.

In addition to the general evaluation procedures, as part of an AU assessment, the Campus and District Assessment Personnel should consider some or all of the following:

- Emphasis on pragmatic/social language skills and assessments
- Emotional, behavioral or social functioning should be assessed across a variety of times or settings and should include both structured and unstructured observations
- Student interviews should be exploration or play-based as appropriate
- Include assessment and recommendations to address all areas contained in the AU Supplement/Section of the IEP, including in-home training, parent training, futures training, and social skills
- Consider the use of a functional behavioral assessment to address behaviors in the classroom and at home that may affect the classroom

For students with AU, specific strategies must be considered by the ARD Committee, based on peer-reviewed, research-based educational programming practices to the extent practicable and, when needed, such practices must be addressed in the IEP: See [SPECIAL FACTORS - Autism].

A medical diagnosis of autism will not in itself entitle a student to receive special education and related services. To meet the IDEA's definition of autism, the student's disability must meet the criteria set out in state and federal law, and have an adverse effect on the student's educational performance. If the student does not meet the eligibility criteria for AU, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or District Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

## **Evidence of Implementation**

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- Autism Supplement
- FIE
- ARD/IEP
- Disability report: Autism
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Autism Framework - Region 18](#)

[Autism Resources -Texas Education Agency](#)

[Texas Autism Resource Guide for Effective Teaching \(TARGET\) - Region 13](#)

[Autism - SPEDTEX](#)

## **CITATIONS**

Board Policy EHBAB; 34 CFR. 300.8(c), 300.304; 19 TAC 89.1040(b)–(c), 89.1050(a)(5); 89.1055

# Evaluation

## DEAF-BLINDNESS

October 22, 2021

Disclaimer: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

©2020 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

**CONTENTS**

DEAF-BLINDNESS ..... 1

    What is Required ..... 1

    Additional Procedures ..... 2

    Evidence of Implementation ..... 3

    Resources ..... 3

CITATIONS ..... 3

## DEAF-BLINDNESS

### What is Required

A student must be assessed in all areas of suspected disability. Deaf-blindness refers to a student with both hearing and visual disabilities. The IDEA defines deaf-blindness as “concomitant [simultaneous] hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.”

A student with deaf-blindness is one who has been determined to meet the criteria for deaf-blindness. A student with deaf-blindness is one who:

- Meets the criteria for deaf or hard of hearing and visual impairment;
- Meets the eligibility criteria for a student with a visual impairment and has a suspected hearing loss that cannot be demonstrated conclusively, but there is not speech at an age when speech would normally be expected, as determined by a speech/language therapist, a certified speech and language therapist, or a licensed speech language pathologist;
- Has documented hearing and visual losses that, if considered individually, may not meet the requirements for deaf or hard of hearing or visual impairment, but the combination of such losses adversely affects the student's educational performance; or
- Has a documented medical diagnosis of a progressive medical condition that will result in related auditory and visual losses that, without special education intervention, will adversely affect student's educational performance.

To assess for deaf-blindness, the District or Campus Assessment Personnel will comply with the general evaluation procedures. See [EVALUATION PROCEDURES]. In addition, the evaluation data reviewed by the District or Campus Assessment Personnel in connection with the determination of the student's disability based on deaf-blindness must comply with the evaluation procedures of deaf or hard of hearing and visual impairment. See [DEAF OR HARD OF HEARING] and [VISUAL IMPAIRMENT]. Further, the procedures and materials used for the assessment and placement of the student who is deaf or hard of hearing must be in the student's preferred mode of communication.

For a student from birth through 2 with a visual impairment and/or who is deaf or hard of hearing, an IFSP meeting must be held and the District must comply with the procedures

for students ages 0-5. See [AGES 0-5].

Upon completing of the evaluation, each member of the evaluation team should sign the FIE. If the student is eligible for special education as a student with Deaf-Blindness, a Disability report in this area will be completed.

### **Additional Procedures**

When a referral for a student suspected of visual and/or auditory impairments is first received, the Diagnostician/LSSP should contact a professional certified in AI/VI for assistance in determining the types, levels, and procedures for assessment of the student. However, the Diagnostician/LSSP, with the assistance of the AI/VI Professional, remains responsible for ensuring that the FIE and eligibility assessment is completed appropriately. When evaluating a student to determine a student is AI, District or Campus Assessment Personnel will follow the procedures out set out in state and federal law. See [EVALUATION PROCEDURES]. District or Campus Assessment Personnel will also ensure that all assessment information is summarized in the appropriate sections of the FIE, and that doctor's signatures are on the audiological and otological reports. [DEAF OR HARD OF HEARING].

For a student with a suspected or documented deaf-blindness, the ARD Committee, which determines whether the student is a student with a disability and the educational needs of the student, must include a teacher certified in the education of students with auditory impairments and a teacher certified in the education of students with visual impairments.

The District must register all students who are eligible for special education as visually impaired or deaf-blind on TEA's annual Registration of Students with Visual Impairments. The District must register all students with combined hearing and vision loss on TEA's annual Deaf-blind Census, including students where combined vision and hearing loss are suspected, but assessment is not yet completed in one or both sensory areas.

If the student does not meet the eligibility criteria for VI, AI and/or Deaf-Blindness, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or District Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

## **Evidence of Implementation**

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- Otological Examination
- Audiological Evaluation
- Communication Evaluation Report
- Ophthalmologist/Optomtrist Report
- Functional Vision Evaluation
- Learning Media Assessment
- Orientation and Mobility Evaluation
- Disability Report: Auditory Impairment
- FIE
- ARD/IEP
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Legal Framework for the Child Centered Special Education Process: Deaf-Blindness - Region 18](#)

[Texas Deafblind Project](#)

[IEP Quality Indicators for Students with Deaf-Blindness - Texas Deafblind Outreach](#)

[2017 Guidelines and Standards for Educating Students with Visual Impairments in Texas - Texas School for the Blind and Visually Impaired](#)

[Interveners for Students with Deafblindness in Texas – Texas School for the Blind and Visually Impaired](#)

[Deafblind - SPEDTEX](#)

## **CITATIONS**

Board Policy EHBA A; Board Policy EHBAB; Board Policy EHBAC; Board Policy EHBH;  
34 CFR 300.8(c)(2), 300.304(c)(4); Texas Education Code 29.310(c); 19 TAC  
89.1040(b)–(c); 89.1050(a)–(c)



# Evaluation

## DEAF OR HARD OF HEARING

October 22, 2021

Disclaimer: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

©2020 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

**CONTENTS**

DEAF OR HARD OF HEARING ..... 1

    What is Required ..... 1

    Additional Procedures ..... 2

    Evidence of Implementation ..... 3

    Resources ..... 4

CITATIONS ..... 4

## DEAF OR HARD OF HEARING

### What is Required

A student must be assessed under the IDEA in all areas of suspected disability. Deaf or Hard of Hearing or “DHH” is one of the areas of eligible disabilities under the IDEA.

A student who is deaf or hard of hearing (DHH) is one who has been determined to meet the criteria for deafness or for hearing impairment under the IDEA. Deafness means a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects the student's educational performance. Hearing impairment means an impairment in hearing, whether permanent or fluctuating, that adversely affects the student's educational performance but that is not included under the definition of deafness.

To assess for DHH, the District or Campus Assessment Personnel will comply with the general evaluation procedures. See [EVALUATION PROCEDURES]. In addition, the procedures and materials used for the assessment and placement of the student who is deaf or hard of hearing must be in the student's preferred mode of communication. The evaluation data must also include:

- An otological examination performed by an otolaryngologist or by a licensed medical doctor, with documentation that an otolaryngologist is not reasonably available;
- An audiological evaluation performed by a licensed audiologist;
- A description of the implications of the hearing loss for the student's hearing in a variety of circumstances with or without recommended amplification; and
- An assessment of the student's potential for communications through a variety of means, including:
  - Oral (spoken) and aural (hearing);
  - Fingerspelling; or
  - Sign language.

For a student from birth through two years of age who meets the criteria for deafness or for hearing impairment under the IDEA, an IFSP meeting must be held in place of an ARD Committee meeting and the District must comply with the evaluation procedures for students ages 0-5. See [AGES 0-5].

## **Additional Procedures**

The terms “auditory impairment,” “hearing impairment,” and “deaf or hard of hearing” are all terms referred to in Texas law and have the same meaning while federal law generally uses the term “deafness” and “hearing impairment.” However, the Texas legislature in 2019 passed a law directing the legislature and the Texas Legislative Council to avoid using in any new statute or resolution the terms “hearing impairment,” “auditory impairment,” and “speech impaired” in reference to a deaf or hard of hearing person, and to replace those phrases with “deaf” or “hard of hearing.” District Personnel should attempt to use the terms “deaf” or “hard of hearing.”

When evaluating a student to determine if the student is DHH, District or Campus Assessment Personnel will follow the procedures set out state and federal law. See [DEAF OR HARD OF HEARING] and [VISUAL IMPAIRMENT]. District or Campus Assessment Personnel will also ensure that all assessment information is summarized in the appropriate sections of the FIE, and that doctor’s signatures are on the audio logical and ontological reports.

If the parent does not provide to the District an examination report by an otolaryngologist or a licensed medical doctor and/or an audiologist that provides the required evaluation data, the District is responsible for obtaining such information at no expense to the parent. The District or Campus Assessment Personnel should first request this report from the parent. If the parent refuses, or does not have a current report, and/or is not responsive to the request, the District or Campus Assessment Personnel should contact the Special Education Director or designee for assistance in setting up the appropriate examination. This may be accomplished by contracting with an otolaryngologist or a licensed medical doctor and /or an audiologist, asking the parent to obtain the report and reimbursing the parent, or any other appropriate method to obtain the evaluation data at the District’s discretion. A hearing screening conducted by a school nurse is not sufficient.

An ARD meeting (or IFSP Team through ECI if the student is 0-2) will review the completed evaluation and determine whether the student is a student with a disability and the services the student needs. See [SPECIAL FACTORS – Deaf or Hard of Hearing] and [ADMISSION, REVIEW, AND DISMISSAL COMMITTEE MEETING]. If the student does not meet the eligibility criteria for DHH, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or District Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

Upon completing of the DHH, evaluation, each member of the evaluation team should sign the FIE. If the student is eligible for special education as a student who is Deaf or Hard of Hearing, a Disability report in this area will be completed.

ARDC will consider services needed for students with auditory impairments to receive FAPE. ARDC determines if IEP services and supports can be provided at an MFISD campus.

If services and supports identified by the ARDC **cannot** be provided at an MFISD campus, placement will be at the Regional Day School Program for the Deaf. MFISD contracts with Round Rock ISD for these services.

\*For students receiving support for Parent-Infant Services, a transition meeting must be held before the child turns 3 to determine possible placement to a campus-based inclusive experience in MFISD or a centralized service such as an RDSPD (Residential Day School Program for the Deaf).

### Interpreting Services for the Deaf/Hard of Hearing

If the ARD/IEP Committee, which includes a member of the Regional Day School Program for the Deaf (RDSPD), indicates a student needs interpreting services to benefit from instruction, a referral to the RDSPD Office will be initiated.

### Referral for Texas School for the Deaf:

A student will be admitted to TSD if the student meets the eligibility criteria according to Education Code 30.051 and needs comprehensive educational services on a day or residential basis; short-term services to allow a student to better achieve educational results from services available in the community; and, for students with additional disabilities, a specialized program.

Parents/Guardians may refer directly to TSD without working with MFISD for placement. (TSD Admissions Office: 512-462-5412)

The following eligibility criteria is considered for Texas School for the Deaf admissions:

- Has a residence in Texas
- Is between the ages of 3 and 22 years old
- Has an updated immunization record
- Has a documented hearing loss

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

## Evidence of Implementation

- Notice of Evaluation

- Consent for Evaluation
- Referral Information
- Assessment Plan
- Otological Examination
- Audiological Evaluation
- Communication Evaluation Report
- Medical Information Related to Hearing Loss
- FIE
- ARD/IEP or ISFP
- Disability Report: Deaf or Hard of Hearing
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Deaf or Hard of Hearing - Region 18](#)

[Evaluating Students with Auditory Impairments - Region 4](#)

[Registry of Interpreters for the Deaf](#)

[OSEP Letter to Blodgett \(Nov. 12, 2014\) - U.S. Department of Education](#)

[OSEP Letter to Anonymous \(Nov. 28, 2007\) - U.S. Department of Education](#)

[DOJ/OSERS/OCR Frequently Asked Questions on Effective Communication with Students with Hearing, Vision, or Speech Disabilities in Public Elementary and Secondary Schools \(Nov. 12, 2014\) - U.S. Department of Education](#)

[Deaf and Hard of Hearing - SPEDTEX](#)

## **CITATIONS**

Board Policy EHBH; Board Policy EHBAC; Board Policy EHBAA; Board Policy EHBAB;  
20 USC 1414(d)(3)(b)(IV); 34 CFR 300.8(c), 300.29(b), 300.324(a)(2)(IV); Texas  
Education Code 29.303, 29.310(c), 30.004, 30.057(a)(2); 19 TAC 89.1050(b)-(c);  
89.1085, 89.1090

# Evaluation

## EMOTIONAL DISTURBANCE

October 22, 2021

Disclaimer: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

©2020 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

**CONTENTS**

EMOTIONAL DISTURBANCE ..... 1

    What is Required ..... 1

    Additional Procedures ..... 2

    Evidence of Implementation ..... 3

    Resources ..... 4

CITATIONS ..... 4



## EMOTIONAL DISTURBANCE

### What is Required

A student must be assessed under the IDEA in all areas of suspected disability. Emotional Disturbance or “ED” is one of the areas of eligible disabilities under the IDEA.

Emotional disturbance means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a student's educational performance:

- An inability to learn that cannot be explained by intellectual, sensory, or health factors;
- An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
- Inappropriate types of behavior or feelings under normal circumstances;
- A general pervasive mood of unhappiness or depression; and/or
- A tendency to develop physical symptoms or fears associated with personal or school problems.

A student need not meet all of these five criteria to be eligible for special education and related services under the IDEA. The student need only exhibit one of the five criteria of the definition of an emotional disturbance. ED includes schizophrenia. However, ED does not apply to a student who is socially maladjusted, unless the student also meets the criteria for having an emotional disturbance.

The District will comply with all requirements set out in state and federal law when conducting an evaluation to determine if a student meets eligibility for an emotional disturbance. See [EVALUATION PROCEDURES]. In addition, the written report of evaluation by the group of qualified professionals (the District and Campus Assessment Personnel) must include specific recommendations for behavioral supports and interventions. The assessment of emotional or behavioral disturbance, for educational purposes, using psychological techniques and procedures is considered the practice of psychology. A person commits an offense if the person engages in the practice of psychology or represents that the person is a psychologist in violation of the Texas Occupations Code.

## **Additional Procedures**

A referral for an evaluation to determine if a student meets the eligibility criteria as a student with an emotional disturbance may be indicated when the District and/or the parent of a student suspects the behavioral characteristics of a student have been significant over time and adversely affects educational performance. Before referring a student for an ED evaluation, the Campus Special Education Personnel or ARD Committee may consider the following, if appropriate:

- Would a Behavior Intervention Plan (BIP) or other behavior interventions address the concern?
- Would other District resources effectively improve classroom performance or address the behaviors of concern?
- What measures have been tried for a sufficient period of time, in a consistent manner, and what has been the impact on behavior?

A psychological evaluation is normally part of an ED assessment. As such, for any psychological evaluation, if an assessment is recommended, and upon parent request, the Special Education Assessment Personnel conducting the psychological assessment must provide the name and type of test to the parent and how the assessment will be used to develop an appropriate IEP.

In conducting the ED evaluation, information regarding the student's behavior across various environments will be collected. The written report of evaluation should also include:

- The type and severity of the emotional disturbance;
- The functional implications of the disability for situations involving instruction; and
- The degree to which in-school and out-of-school behavior reflects symptoms consistent with the diagnosis and identification of behavior considered to be a direct result of the emotional disability.

Within the evaluation, the behaviors that significantly interfere with the learning or educational progress of the student or that of others must also be identified. Therefore, the evaluation report may include a Functional Behavioral Assessment (FBA). An FBA is a systematic process for describing problem behavior and identifying the environmental factors and surrounding events associated with the problem behavior. With the input of those who work closely with the student, the Assessment Personnel will observe the behavior and identify and define its problematic characteristics, identify which actions or events precede and follow the behavior, and determine how often the behavior occurs. In the FBA, the Assessment Personnel will explain the antecedents and consequence of targeted behaviors, hypothesize regarding the function of the behaviors, and recommend

replacement behaviors. In addition, if counseling as a related service is recommended to address any of the targeted behaviors, a counseling evaluation will be included in the FIE.

A Licensed Specialist in School Psychology (LSSP) is responsible for conducting the psychological evaluation. When Campus or District Assessment Personnel complete the evaluation, an ARD Committee meeting, which must include appropriately qualified Assessment Personnel who can interpret results, will be held to review the evaluation. Based on the results of the evaluation, the ARD Committee will determine whether the student meets one or more of the five specific characteristics listed above, and whether the student requires special education supports and related services.

Upon completing of the evaluation, each member of the evaluation team should sign the FIE. If the student is eligible for special education as a student with Deaf-Blindness, a Disability report in this area will be completed. The diagnosis of a mental health condition alone does not determine eligibility for special education services as a student with an emotional disturbance. Additionally, mood, behavior, or academic problems related solely to drug abuse do not qualify a student as a student with an emotional disturbance. If the student does not meet the eligibility criteria for ED, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or District Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

### **Evidence of Implementation**

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- Notification of Psychological Tests to Parent
- Disability Report: Emotional Disturbance
- Functional Behavioral Assessment/Behavior Intervention Plan
- FIE
- ARD/IEP
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Emotional Disturbance Framework - Region 18](#)

[Quick Guide: Emotional Disturbance - Region 14 ESC](#)

[§ 89.1040 Eligibility Criteria - FAQ - Texas Education Agency](#)

[OSEP Letter to Anonymous \(Nov. 28, 2007\) - U.S. Department of Education](#)

[OSEP Letter to Delisle \(Dec. 20, 2013\) - U.S. Department of Education](#)

[OSEP Memorandum 15-08 to State Directors of Special Education \(April 17, 2015\) - U.S. Department of Education](#)

[Emotional Disturbance - SPEDTEX](#)

## **CITATIONS**

34 CFR 300.8(c)(4), 300.111(a)(1)(i), 300.304(c)(4); 19 TAC 89.1040(b)–(c), 89.1050(a)(5); 22 TAC 465.38(b)(2); Texas Occupations Code 501.503

# Evaluation

## INTELLECTUAL DISABILITY

October 22, 2021

Disclaimer: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

©2020 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

**CONTENTS**

INTELLECTUAL DISABILITY..... 1

    What is Required ..... 1

    Additional Procedures..... 2

    Evidence of Implementation..... 3

    Resources..... 3

CITATIONS..... 3

# INTELLECTUAL DISABILITY

## What is Required

A student must be assessed under the IDEA in all areas of suspected disability. Intellectual Disability or “ID” is one of the areas of eligible disabilities under the IDEA.

A student with an intellectual disability is one who has been determined to meet the criteria for an intellectual disability. In meeting the criteria, a student with an intellectual disability is one who:

- Has been determined to have significantly subaverage intellectual functioning as measured by a standardized, individually administered test of cognitive ability in which the overall test score is at least two standard deviations below the mean, when taking into consideration the standard error of measurement of the test;
- Concurrently exhibits deficits in at least two of the following areas of adaptive behavior:
  - Communication,
  - Self-care,
  - Home living,
  - Social and interpersonal skills,
  - Use of community resources,
  - Self-direction,
  - Functional academic skills,
  - Work,
  - Leisure,
  - Health, or
  - Safety;
- Is manifested during the developmental period; and
- Adversely affects the student’s educational performance.

To assess for ID, the District or Campus Assessment Personnel will comply with the general evaluation procedures. See [EVALUATION PROCEDURES]. In addition, the evaluation data reviewed by the qualified District or Campus Assessment Personnel must include:

- A standardized individually administered test of cognitive ability; and
- Adaptive behavior assessment in at least two of the following areas: communication, self-care, home living, social/interpersonal skills, use of community resources, self-direction, functional academic skills, work, leisure,

health, or safety.

### **Additional Procedures**

A referral for an intellectual disability evaluation may be indicated when the Campus Personnel and/or the parent of the student suspects the student is exhibiting significant intellectual and adaptive deficits that adversely affect educational performance. A student suspected of ID may exhibit one or more of the following:

- Difficulties in communicating efficiently and effectively that effect self-determination, behavior, social interactions and participation in multiple learning environments
- Alternate methods of demonstrating his/her abilities and knowledge
- Uneven learning patterns in all domains including cognition, communication, socialization and self-help.
- Multiple disabling conditions that may occur concurrently with an intellectual disability, including physical or orthopedic impairments, and/or sensory impairments/challenges
- Medical needs that impact health, stamina and engagement in learning tasks
- Difficulty learning new tasks, maintaining new skills, and generalizing skills to new environments
- Difficulty demonstrating problem solving skills when new skills or information are presented in a traditional academic curriculum
- Individualized methods of accessing information and demonstrating knowledge in alternative ways (tactile, visual, auditory, and multi-sensory).

To avoid over identifying students, District or Campus Assessment Personnel will exercise caution in making an intellectual disability determination. The determination of an intellectual disability must be made with consideration of professional judgment and multiple information/data sources. Examples of information/data sources include statewide assessment results, Rtl progress monitoring data and anecdotal reports, in addition to formal evaluation test scores, such as intellectual quotient or IQ, adaptive behavior, achievement, and/or cognitive function/processing.

Upon completing of the evaluation, each member of the evaluation team should sign the FIE. If the student is eligible for special education as a student with Deaf-Blindness, a Disability report in this area should be completed.



If the student does not meet the eligibility criteria for ID, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or District Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

### **Evidence of Implementation**

- Notice of Evaluation
- Consent for Evaluation
- Disability Report: Intellectual Disability
- Referral Information
- Assessment Plan
- FIE
- ARD/IEP
- Documentation for the state in TSDS, PEIMS, and SPP

### **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Intellectual Disability Framework - Region 18](#)

[Quick Guide: Intellectual Disability- Region 14](#)

[Intellectual Disability - SPEDEX](#)

### **CITATIONS**

20 USC 1401, 1414; 34 CFR 300.8(c), 300.304(c)(4); 19 TAC 89.1040(b)–(c), 89.1050(a)(5)

# Evaluation

## MULTIPLE DISABILITIES

October 22, 2021

Disclaimer: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

©2020 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

**CONTENTS**

MULTIPLE DISABILITIES ..... 1

    What is Required ..... 1

    Additional Procedures ..... 1

    Evidence of Implementation ..... 2

    Resources ..... 2

CITATIONS ..... 2

## MULTIPLE DISABILITIES

### What is Required

A student must be assessed in all areas of suspected disability. A student may be identified under the IDEA as a student with multiple disabilities. In meeting the criteria for multiple disabilities, a student with multiple disabilities is one who has a combination of disabilities occurring at the same time, and who meets all of the following conditions:

- The disabilities are expected to continue indefinitely; and
- The disabilities severely impair the student's performance in two or more of the following areas:
  - Psychomotor skills;
  - Self-care skills;
  - Communication;
  - Social and emotional development; or
  - Cognition.

Multiple disabilities means impairments occurring at the same time (such as intellectual disability-blindness or intellectual disability-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. The term does not include deaf-blindness (because deaf-blindness is defined separately and is a disability category of its own under the IDEA). See [DEAF-BLINDNESS]. A student who has more than one disability, but who does not meet the criteria above must not be classified or reported as having multiple disabilities.

The District or Campus Assessment Personnel will comply with all requirements set out in state and federal law when conducting an evaluation to determine if a student meets eligibility criteria for multiple disabilities. See [EVALUATION PROCEDURES]. In addition, the group of qualified professionals that collects or reviews evaluation data in connection with the determination of the student's disability based on multiple disabilities impairment must include the members required in two or more of the applicable specific eligibility evaluation procedures. See [EVALUATION].

### Additional Procedures

In determining if a student qualifies as a student with multiple disabilities, it is important to know which individual disabilities are involved, how severe each disability is, and how each disability can affect learning and daily living. The District or Campus Assessment Personnel will also consider how the combination of disabilities affects the student's

learning and functioning. A key part to the eligibility criteria for multiple disabilities is that the *combination of disabilities* causes the student to have severe educational needs. A referral for an intellectual disability evaluation may be indicated when the Campus Personnel and/or the parent of the student suspects the student is exhibiting characteristics of more than one disability the combination of which severely affects the student's educational performance.

If the student does not meet the eligibility criteria for multiple disabilities, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or District Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

Upon completing of the evaluation, each member of the evaluation team should sign the FIE. If the student is eligible for special education as a student with Deaf-Blindness, a Disability report in this area will be completed.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

### **Evidence of Implementation**

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- Disability Report: Intellectual Disability
- FIE
- ARD/IEP
- Documentation for the state in TSDS, PEIMS, and SPP

### **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Multiple Disabilities Framework - Region 18](#)

[Multiple Disabilities - SPEDTEX](#)

### **CITATIONS**

34 CFR Part 300.8(c), 300.304(c)(4); 19 TAC. 89.1040(b)–(c), 89.1050

# Evaluation

## NONCATEGORICAL EARLY CHILDHOOD

October 22, 2021

Disclaimer: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

©2020 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

**CONTENTS**

NONCATEGORICAL EARLY CHILDHOOD ..... 1

    What is Required ..... 1

    Additional Procedures ..... 1

    Evidence of Implementation ..... 2

    Resources ..... 2

CITATIONS ..... 3



## NONCATEGORICAL EARLY CHILDHOOD

### What is Required

A student must be assessed under the IDEA in all areas of suspected disability. A student between the ages of 3 through 5 can be considered for any disability category. However, if the student between the ages of 3 to five is evaluated as having an intellectual disability, an emotional disturbance, a specific learning disability, or autism, the student may be eligible for special education services based on the noncategorical early childhood (“NCEC”) disability category.

To determine eligibility under NCEC, the District or Campus Assessment Personnel will comply with the general evaluation procedures. See [EVALUATION PROCEDURES]. However, the group of qualified professionals that determines the student’s eligibility for NCEC must include the applicable members for intellectual disability, emotional disturbance, specific learning disability, or autism. See [INTELLECTUAL DISABILITY] and [EMOTIONAL DISTURBANCE] and [SPECIFIC LEARNING DISABILITY, and AUTISM]. In addition, students who are eligible based on the NCEC category must be reevaluated prior to their sixth birthday to determine continued eligibility for special education services.

The evaluation data reviewed by the group of qualified professionals in connection with the determination of the student’s disability based on noncategorical must comply with applicable evaluation procedures of deaf or hard of hearing and visual impairment. See [DEAF OR HARD OF HEARING] and [VISUAL IMPAIRMENT].

### Additional Procedures

When young children ages 3, 4, and 5 are initially evaluated, assessment can be challenging because of their short attention spans and varied and limited educational and sociological experiences. The District will evaluate a student who is 3, 4 or 5 who is referred due to a suspected disability and may find the student eligible by meeting the eligibility criteria for NCEC-ID, NCEC-ED, NCEC-SLD, or NCEC-AU.

The District will provide appropriate special education and related services to a young student who has been evaluated and meets one of these eligibility criteria to address the effects the disability or delay may have on the student. Prior to the student’s sixth birthday, the student’s ARD Committee will reevaluate the student by conducting a REED and any formal assessment necessary, remove the noncategorical label, and determine whether or not the student continues to meet eligibility for special education and , if so, in which eligibility area.

The ARD Committee, including appropriate Assessment Personnel, will take into

consideration the following items:

- Educational opportunities and support given to the student since entering school and how the student has progressed;
- Current testing data; and
- Parent information including private or outside evaluations the family has obtained for their student.

Upon completion of an evaluation for a 3, 4, 5-year-old when an intellectual disability, an emotional disturbance, a specific learning disability, or autism are being considered, each member of the evaluation team shall sign the FIE. If the student is eligible for special education as a student with a NCEC, a Disability Report in this area will be completed.

If the student does not meet the eligibility criteria for NCEC, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or District Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

### **Evidence of Implementation**

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- FIE
- Disability Report: Intellectual Disability
- ARD/IEP
- Documentation for the state in TSDS, PEIMS, and SPP

### **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Noncategorical Early Childhood Framework - Region 18](#)

[Technical Assistance: Child Find and Evaluation- Texas Education Agency](#)

[Noncategorical Early Childhood - SPEDTEX](#)

## **CITATIONS**

34 CFR 300.30(c)(4); 19 TAC 89.1040(b), 89.1050(c)

# Evaluation

## ORTHOPEDIC IMPAIRMENT

October 22, 2021

Disclaimer: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

©2020 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

**CONTENTS**

ORTHOPEdic IMPAIRMENT ..... 1

    What Is Required ..... 1

    Additional Procedures ..... 1

    Evidence of Implementation ..... 2

    Resources ..... 2

CITATIONS ..... 2

## ORTHOPEDIC IMPAIRMENT

### What Is Required

A student must be assessed under the IDEA in all areas of suspected disability. Orthopedic Impairment or “OI” is one of the areas of eligible disabilities under the IDEA.

A student with an orthopedic impairment is one who has been determined to meet the criteria for orthopedic impairment. Orthopedic impairment means a severe orthopedic impairment that adversely affects the student’s educational performance. OI includes impairments caused by congenital anomaly; disease, such as poliomyelitis, bone tuberculosis; and other causes, such as cerebral palsy, amputations, and fractures or burns that cause contractures.

To assess for OI, the District or Campus Assessment Personnel will comply with the general evaluation procedures. See [EVALUATION PROCEDURES]. In addition, a licensed physician must be included in the group of qualified professionals that collects or reviews evaluation data in connection with the determination of a student’s eligibility for special education services based on an orthopedic impairment.

### Additional Procedures

If the District and/or the student’s parent suspect the student is exhibiting physical deficits characteristic of orthopedic impairment that adversely affects the student’s educational performance, the student may be referred for an orthopedic impairment evaluation.

District or Campus Assessment Personnel should comply with the procedures set out in state and federal law. See [EVALUATION PROCEDURES]. They should also obtain and review relevant information from the student’s licensed physician(s). If the student does not have a physician, the District or Campus Assessment Personnel should arrange for the student to visit a District-provided physician. Upon completion of the OI evaluation, each member of the evaluations team should sign the FIE. If the student is eligible for special education as a student with an Orthopedic Impairment, a Disability Report in this area should be completed.

If the student does not meet the eligibility criteria for orthopedic impairment, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or District Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

When determining eligibility under IDEA, there are two steps to the eligibility decision.

The parents/guardians and other qualified professionals review the results of the initial evaluation to determine:

Prong 1: whether the child is a child with a disability as defined in federal and state laws and regulations and

Prong 2: the educational needs of the child (34 CFR § 300.306(a))

The evaluation will be presented at Admission/Review/Dismissal Committee (ARDC) meeting and the committee will decide if they will accept eligibility.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

## **Evidence of Implementation**

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- ARD/IEP
- FIE
- Disability Report: Orthopedic Impairment
- Documentation from Licensed Physician
- Orthopedic Impairment Evaluation
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Orthopedic Impairment - Region 18](#)

[Orthopedic Impairment - Texas Education Agency](#)

[Orthopedic Impairment - Region 14](#)

[Orthopedic Impairments - Project IDEAL](#)

[Orthopedic Impairment - SPEDTEX](#)

## **CITATIONS**

Orthopedic Impairment

Customized by Marble Falls ISD

Board Policy EHBAA; Board Policy EHBAB; 34 CFR 300.8(c)(8), 300.304(c)(4); 19 TAC 89.1040(b)–(c)



# Evaluation

## OTHER HEALTH IMPAIRMENT

October 22, 2021

Disclaimer: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

©2020 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

**CONTENTS**

OTHER HEALTH IMPAIRMENT ..... 1

    What is Required ..... 1

    Additional Procedures ..... 1

    Evidence of Implementation ..... 2

    Resources ..... 3

CITATIONS ..... 3

## OTHER HEALTH IMPAIRMENT

### What is Required

The student must be assessed under the IDEA in all areas of suspected disability. Other Health Impairment or “OHI” is one of the areas of eligible disabilities under the IDEA.

A student with Other Health Impairment (OHI) is one who has been determined to meet the criteria for OHI due to chronic or acute health problems. OHI means having limited strength, vitality, or alertness that adversely affects a student’s educational performance. The term “limited alertness” includes a heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment. Health problems include, but are not limited to: asthma, attention deficit disorder (ADD) or attention deficit hyperactivity disorder (ADHD), diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette’s Disorder.

To assess for OHI, the District or Campus Assessment Personnel will comply with the general evaluation procedures. See [EVALUATION PROCEDURES]. In addition, the group of qualified professionals that collects or reviews evaluation data in connection with the determination of the student’s eligibility based on other OHI must include a licensed physician.

### Additional Procedures

A referral for an OHI evaluation may be indicated when the District and/or the parent of the student suspects the student is exhibiting health problems characteristics of an OHI that adversely affects the student’s educational performance.

The evaluation will include information about how the health condition affects the student’s educational performance. An OHI form completed by a licensed physician, is required before an ARD Committee can determine that a student is eligible as a student with OHI. If the student has a physician, the Campus or District Assessment Personnel may request that the student’s physician complete the OHI form. The Campus or District Assessment Personnel must request that the parent sign a Consent for Release of Information so that the Assessment Personnel may communicate with the student’s physician to complete the OHI form and provide any clarifying information to the ARD Committee.

The list of health conditions listed above is not an exhaustive list. A diagnosis of a medical or health condition alone does not determine eligibility for special education services. Not every student with a medical or health condition will meet the eligibility criteria as a student under the OHI category. The medical or health condition must adversely affect the

student's educational performance, and, by reason of the health condition, the student needs special education (specially designed instruction to meet the unique needs of the student) or related services.

When District or Campus Assessment Personnel conduct a reevaluation of a student who has been identified as a student with OHI, an updated OHI form should be obtained from the student's doctor, especially if the student's health problem has changed or has manifested itself in different ways. If the student continues to have a health condition, but it no longer affects the student's educational performance, the student will no longer qualify as a student with a disability under the IDEA.

Upon completion of the OHI evaluation, each member of the evaluation team should sign the FIE. If the student is eligible for special education as a student with an Other Health Impairment, a Disability Report in the area will be completed.

If the student does not meet the eligibility criteria for OHI, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or District Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

When determining eligibility under IDEA, there are two steps to the eligibility decision. The parents/guardians and other qualified professionals review the results of the initial evaluation to determine:

Prong 1: whether the child is a child with a disability as defined in federal and state laws and regulations and

Prong 2: the educational needs of the child (34 CFR § 300.306(a))

The evaluation will be presented at Admission/Review/Dismissal Committee (ARDC) meeting and the committee will decide if they will accept eligibility.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

## **Evidence of Implementation**

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- OHI Form and/or Physician Information

- FIE
- Disability Report: Other Health Impairment
- ARD/IEP
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Other Health Impairment - Region 18](#)

[Quick Guide: Other Health Impairment Region 14](#)

[OSEP Letter to Williams \(May 14, 1994\) - U.S. Department of Education](#)

[OSEP Letter to Anonymous \(Jan. 13, 2010\) - U.S. Department of Education](#)

[Other Health Impairment - SPEDTEX](#)

## **CITATIONS**

34 CFR Part 300.8(c)(9), 300.304(c)(4); 19 TAC 89.1040(b)-(c), 89.1050(a)(5)

# Evaluation

## SPECIFIC LEARNING DISABILITY

October 22, 2021

Disclaimer: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

©2020 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

**CONTENTS**

SPECIFIC LEARNING DISABILITY ..... 1

    What is Required ..... 1

        Eligibility Criteria..... 1

        Evaluation..... 2

        Determinant Factors ..... 2

        Observation..... 2

        Pattern of Strengths and Weaknesses Model..... 3

        Exclusionary Factors ..... 3

        Additional Documentation of SLD ..... 3

    Additional Procedures..... 3

    Evidence of Implementation ..... 5

    Resources..... 6

CITATIONS ..... 6

# **SPECIFIC LEARNING DISABILITY**

## **What is Required**

A student must be assessed under the IDEA in all areas of suspected disability. Specific Learning Disability or “SLD” is one of the areas of eligible disabilities under the IDEA.

SLD is 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 the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. SLD includes conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. SLD does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of an intellectual disability, or emotional disturbance, or of environmental, cultural, or economic disadvantage.

## **Eligibility Criteria**

A student with an SLD impairment is one:

- Who has been determined through a variety of assessment tools and strategies to meet the criteria for SLD;
- Who does not achieve adequately for the student’s age or to meet state-approved grade-level standards, in one of more of the following areas: oral expression, written expression, listening comprehension, basic reading skills, reading fluency skills, reading comprehension, mathematics calculations or problem solving;
- Whose lack of adequate achievement is indicated by performance on multiple measures such as in-class tests, grade average over time, norm- or criterion-referenced tests, statewide assessments, or a process based on the student’s response to evidence-based intervention;
- Who does not make sufficient progress under the additional criteria of the RtI model or the student meets the additional criteria under the Pattern of Strengths and Weaknesses Model;
- Whose lack of adequate performance is not primarily the result of exclusionary factors referenced below; and
- Whose lack of adequate achievement is not due to Determinant Factors listed below.



## Evaluation

To assess for SLD, the District or Campus Assessment Personnel will comply with the general evaluation procedures. See [EVALUATION PROCEDURES]. In addition, the group of qualified professionals that collects or reviews evaluation data in connection with the determination of the student's disability based on an SLD will include the student's general education teacher, or if the student does not have a general education teacher, a general education classroom teacher qualified to teach children of this age—or if the student is less than school age, an individual qualified by the Texas Education Agency to teach children of this age. The group must also include at least one person qualified to conduct individual diagnostic examinations of children (i.e., a licensed specialist in school psychology, a speech-language pathologist, or a remedial reading teacher).

## Determinant Factors

To ensure the student's underachievement is not due to lack of appropriate instruction in reading or math, as part the evaluation, the District or Campus Assessment Personnel will consider data that demonstrates the student was provided appropriate instruction in reading and/or math in the general education settings delivered by qualified personnel. The District or Campus Assessment Personnel must also consider data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal evaluation of progress of the student during instruction, which was provided to the parent, as well as formal evaluation scores (IQ, achievement, cognitive functioning/processing, etc.). The data-based documentation may include, but is not limited to, response to intervention (RtI) progress monitoring results, in-class tests on grade-level curriculum, or other regularly administered assessments. Assessment is administered at reasonable intervals if administered consistent with the assessment requirements of the student's specific instructional program.

## Observation

In determining whether a student has an SLD, District or Campus Assessment Personnel must either use information from an observation in routine classroom instruction and monitoring prior to the referral or have at least one member of the Assessment team conduct an observation of the student's academic performance in the regular classroom as part of the evaluation. For the student less than school age or out of school, District or Campus Assessment Personnel must observe the student in an environment appropriate for a student of that age.

The documentation of the determination of an SLD eligibility must contain a statement of the relevant behavior, if any, noted during the observation of the student, and the relationship of that behavior to the student's academic functioning.

## **Pattern of Strengths and Weaknesses Model**

The pattern of strengths and weaknesses model may also be used to determine that a student meets eligibility criteria for SLD. When applying the pattern of strengths and weaknesses model to find the student is eligible for an SLD, a determination must be made that the student exhibits a pattern of strengths and weaknesses in performance, achievement, or both. A determination must also be made that the pattern is relative to age, state-approved grade-level standards, or intellectual development. Finally, a determination must be made that the pattern is relevant to the identification of an SLD using appropriate assessments. During the evaluation process, District Assessment Personnel must provide to the parent data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal evaluation of student progress during instruction.

## **Exclusionary Factors**

District or Campus Assessment Personnel must determine that its findings are not primarily the result of a visual, hearing, or motor disability; an intellectual disability; an emotional disturbance; cultural factors; environmental or economic disadvantage; or emergent bilingual. The documentation of an SLD eligibility must also explain the effects of any of these exclusionary factors on the student's achievement level.

## **Additional Documentation of SLD**

The documentation of the determination of eligibility must contain a statement of:

- Whether the student has an SLD;
- The basis for making the determination (must include an assurance that the determination was made in accordance with proper evaluation procedures); and
- The educationally relevant medical findings, if any.

Each member of the group of qualified professionals must certify in writing whether the report reflects the member's conclusion, and if not, a separate statement presenting the member's conclusion. See [EVALUATION PROCEDURES].

## **Additional Procedures**

A referral for a specific learning disability evaluation may be indicated when the Campus Personnel and/or parent of the student suspects that learning issues are a result of a deficit in the basic psychological processes that manifests itself in the imperfect ability to listen, think, speak, read, write, spell or to do mathematical calculations. See [REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES]. Common characteristics that may suggest SLD include academic challenges (particularly in

reading, writing, and mathematics), difficulty paying attention, poor motor skills, processing deficits, oral language deficits, cognitive functioning deficits, and social skills deficits.

In determining the presence of a specific learning disability, the ARD Committee should consider and use data from campus-level interventions that are part of the RtI process. The ARD Committee should also use data from individually administered, formal intellectual and academic achievement tests to determine if a pattern of strengths and weaknesses exists. The data from these sources are combined with teacher information, parent information, grades, state assessment results, attendance, and educational history as a basis for the ARD Committee's determination of the presence of an SLD. Should a student demonstrate reasonable progress in response to the RtI process, this should be considered prior to identifying that student with an SLD.

District or Campus Assessment Personnel may consider significant discrepancies between intellectual ability and achievement—but the discrepancy may not be the sole factor – in determining whether the student has an SLD. Any consideration of a discrepancy should utilize a standard regression procedure and not a sole difference procedure.

A student's failure to pass the statewide assessment may not automatically result in a referral to determine if the student has an SLD and does not necessarily indicate that the student has an SLD. The determination of a learning disability will include a variety of information sources and measures, and the District will not base the determination on a single measure.

When evaluating a student identified as an English Learner for an SLD, District and Campus Assessment Personnel should use a cross-battery approach. Prior to the evaluation for an SLD, a language proficiency assessment will be completed to identify the student's dominant language. This will determine the language in which the student is evaluated for an SLD. When evaluating a student identified as an English Language Learner MFISD will use assessment personnel trained specifically in administering the appropriate assessments to ELL students.

It is important to address the unique educational needs of children with specific learning disabilities resulting from dyslexia, dyscalculia, and dysgraphia during ARD Committee meetings. If a student's dyslexia, dyscalculia, or dysgraphia is the condition that forms the basis for the determination that a student has an SLD, the ARD Committee should consider referencing or using dyslexia, dyscalculia, or dysgraphia in the student's IEP, particularly where the ARD Committee determines that Service Providers would need to know about the condition underlying the student's disability. See [DYSLEXIA].

Upon completion of the SLD evaluation, each member of the multi-disciplinary evaluation team should sign the FIE. If the student is eligible for special education as a student with a Specific Learning Disability, a Disability Report in this area will be completed.

If the student does not meet the eligibility criteria for SLD, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or District Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

### **Evidence of Implementation**

- RtI Progress Monitoring
- Documentation of Interventions
- Section 504 Documentation, if any
- Standardized Assessment Information
- Data of Appropriate Instruction Provided
- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- Documentation of Observation(s)
- Input from General Education Teacher
- Eligibility Statement
- FIE
- Disability Report: Specific Learning Disability
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Specific Learning Disability Framework - Region 18](#)

[Response to Intervention and Learning Disability Eligibility- Texas Education Agency](#)

[Response to Intervention - Texas Education Agency](#)

[Learning Disability - SPEDTEX](#)

[Learning Disabilities Association of America](#)

[National Center for Learning Disability](#)

[Texas Center for Learning Disabilities](#)

[OSEP Letter to Massanari \(Sept. 24, 2007\) - U.S. Department of Education](#)

[OSEP Letter to Zirkel \(Aug. 15, 2007\) - U.S. Department of Education](#)

[OSERS Dear Colleague Letter \(Oct. 23, 2015\) - U.S. Department of Education](#)

[OSEP Letter to Unnerstall \(Apr. 25, 2016\) - U.S. Department of Education](#)

[OSEP Letter to Delisle \(Dec. 20, 2013\) - U.S. Department of Education](#)

[OSEP Letter to Zirkel \(Mar. 6, 2007\) – U.S. Department of Education](#)

[OSEP Letter to Zirkel \(Apr. 8, 2008\) - U.S. Department of Education](#)

## **CITATIONS**

20 U.S.C. 1021, 7801(20); 34 CFR 300.8(c), 300.304(c), 300.308(a)-(b), 300.309(a)-(b), 300.310(a)-(c), 300.311(a); 19 TAC 89.1040(c)

# Evaluation

## SPEECH OR LANGUAGE IMPAIRMENT

October 22, 2021

Disclaimer: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

©2020 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

**CONTENTS**

SPEECH OR LANGUAGE IMPAIRMENT ..... 1

    What is Required ..... 1

    Additional Procedures ..... 1

    Evidence of Implementation ..... 2

    Resources ..... 2

CITATIONS ..... 2

## **SPEECH OR LANGUAGE IMPAIRMENT**

### **What is Required**

A student must be assessed under the IDEA in all areas of suspected disability. Speech Impairment or SI is one of the areas of eligible disabilities under the IDEA.

A student with a speech impairment is one who has been determined to meet the criteria for speech or language impairment. Speech or language impairment means a communication disorder or a voice impairment, that adversely affects a student's educational performance. The term communication disorder includes stuttering, impaired articulation, a language impairment, and a voice impairment.

To assess for SI, the District or Campus Assessment Personnel will comply with the general evaluation procedures. See [EVALUATION PROCEDURES]. The group of qualified professionals that collects or reviews evaluation data in connection with the determination of a student's eligibility based on a speech impairment must include a certified speech and hearing therapist, a certified speech and language therapist, or a licensed speech-language pathologist.

Upon completion of the Speech and Language evaluation, each member of the evaluation team should sign the FIE. If the student is eligible for special education as a student with a Speech Impairment, a Disability Report in this area will be completed.

### **Additional Procedures**

A referral for a speech or language impairment evaluation may be indicated when the District and/or the parent of the student suspects that learning issues are a result of a communication disorder or a voice impairment that adversely affects the student's educational performance. A student who has difficulty producing speech or understanding and communicating ideas may have a speech-language impairment.

In Texas, speech-language therapy is considered an instructional service. Thus, it can be a stand-alone service as well as a support provided for the student to receive benefit from other special education services.

A speech evaluation will usually include assessment to determine if the student has a communication disorder, a language disorder, an articulation disorder, a fluency disorder and/or a voice disorder.

If the student does not meet the eligibility criteria for SI, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or District Personnel responsible for compliance with Section 504 to determine whether the student is eligible



for accommodations or services as a student with a disability under Section 504.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

## **Evidence of Implementation**

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- FIE
- Disability Report: Speech Impairment
- ARD/IEP
- Referral Documentation
- Speech/Language Assessment
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Speech or Language Impairment Framework - Region 18](#)

[Texas Speech Language Hearing Association Eligibility Guidelines for Speech Impairment 2009 - Region 13](#)

[OSEP Letter to Anonymous \(Nov. 28, 2007\) - U.S. Department of Education](#)

[OSEP Letter to Clarke \(Mar. 8, 2007\) - U.S. Department of Education](#)

[OSEP Letter to Blodgett \(Nov. 12, 2014\) - U.S. Department of Education](#)

[Speech or Language Impairment - SPEDTEX](#)

## **CITATIONS**

34 CFR 300.8(c)(11), 300.304(c)(4); 19 TAC 89.1040(b)–(c), 89.1050(a)(5)

# Evaluation

## TRAUMATIC BRAIN INJURY

October 22, 2021

Disclaimer: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

©2020 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

**CONTENTS**

TRAUMATIC BRAIN INJURY ..... 1

    What is Required ..... 1

    Additional Procedures ..... 1

    Evidence of Implementation ..... 2

    Resources ..... 2

CITATIONS ..... 3

# TRAUMATIC BRAIN INJURY

## What is Required

A student must be assessed under the IDEA in all areas of suspected disability. Traumatic brain injury or “TBI” is one of the areas of eligible disabilities under the IDEA.

A student with traumatic brain injury (TBI) is one who has been determined to meet the criteria for traumatic brain injury. Traumatic brain injury means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment or both, and that adversely affects the student’s educational performance.

TBI applies to open or closed head injuries resulting in impairments in one or more areas: cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech.

TBI does not apply to brain injuries that are congenital or degenerative or to brain injuries induced by birth trauma.

To assess for TBI, the District or Campus Assessment Personnel will comply with the general evaluation procedures. See [EVALUATION PROCEDURES]. In addition, a licensed physician must be included in the group of qualified professionals that collects or reviews evaluation data in connection with the determination of a student’s eligibility for special education services based on a traumatic brain injury.

## Additional Procedures

Campus Personnel and/or a student’s parent may refer the student for a traumatic brain injury evaluation when the Campus Personnel and/or parent suspects that functional and/or psychosocial deficits are the result of the student’s acquired brain injury that adversely affects the student’s educational performance.

In order to make a determination of eligibility based on TBI, the ARD Committee must have input from a licensed physician. If the student has a physician, the Campus or District Assessment Personnel may request that the student’s physician provide the input regarding the student’s brain injury. The Campus or District Assessment Personnel must request that the parent sign a Consent for Release of Information so that the Assessment Personnel may communicate with the student’s physician to obtain this health information and/or provide any clarifying health information to the ARD Committee. If the parent refuses to sign the release and/or the student does not have a regular physician, the District or Campus Assessment Personnel must arrange for the student to be evaluated by a District-provided physician.

After completion of the FIE, the District will convene an ARD Committee meeting to review the FIE. The ARD Committee must determine whether the student meets eligibility criteria for traumatic brain injury based on the results of student's evaluation, including the input from a physician.

Upon completion of the TBI evaluation, each member of the evaluation team should sign the FIE. If the student is eligible for special education as a student with a Traumatic Brain Injury, a Disability Report in this area will be completed.

If the student does not meet the eligibility criteria for TBI, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or District Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

Note: Traumatic Brain Injury does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

### **Evidence of Implementation**

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- Physician Diagnostic Information Report
- FIE
- Disability Report: Traumatic Brain Injury
- ARD/IEP
- Documentation for the state in TSDS, PEIMS, and SPP

### **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Traumatic Brain Injury - Region 18](#)

[Traumatic Brain Injury - Texas Education Agency](#)

[Traumatic Brain Injury Resource Document - Navigate Life Texas](#)

[Traumatic Brain Injury - SPEDTEX](#)

[OSEP Letter to Harrington \(July 13, 1993\) - U.S. Department of Education](#)

## **CITATIONS**

Board Policy EHBAA; Board Policy EHBAB; 34 CFR 300.8(c)(12), 300.304(c)(4); 19 TAC 89.1040(b)–(c), 89.1050(a)(5)

# Evaluation

## VISUAL IMPAIRMENT

October 22, 2021

Disclaimer: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

©2020 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

**CONTENTS**

VISUAL IMPAIRMENT ..... 1

    What is Required ..... 1

        Eligibility..... 1

        Evaluation Procedures..... 1

    Additional Procedures..... 2

    Evidence of Implementation..... 3

    Resources..... 4

CITATIONS ..... 4



# VISUAL IMPAIRMENT

## What is Required

### Eligibility

A student must be assessed under the IDEA in all areas of suspected disability. Visual Impairment or “VI” is one of the areas of eligible disabilities under the IDEA.

A student with a visual impairment is one who meets the criteria for visual impairment. The term visual impairment, including blindness, means an impairment in vision that, even with correction, adversely affects the student’s educational performance, and includes both partial sight and blindness.

To meet the criteria for visual impairment, a licensed ophthalmologist or optometrist must determine the student:

- Has no vision or has a serious visual loss after correction; or
- Has a progressive medical condition that will result in no vision or a serious visual loss after correction.

The student with a visual impairment is functionally blind if, based on the functional vision evaluation and the learning media assessment, the student will use tactual media, including braille, as a primary tool for learning to communicate in both reading and writing at the same level of proficiency as other students of comparable ability.

### Evaluation Procedures

To assess for VI, the District or Campus Assessment Personnel will comply with the general evaluation procedures. See [EVALUATION PROCEDURES]. An individual who is appropriately certified as an orientation and mobility specialist (“COMS”) must participate in evaluating data used in making the determination of a student’s eligibility as a student with visual impairment. Specifically, the evaluation data reviewed by District or Campus Assessment Personnel and COMS when determining whether a student has a visual impairment must include:

- A report by a licensed ophthalmologist or optometrist that:
  - states the student’s visual loss in exact measures of visual field and corrected visual acuity at a distance and at close range in each eye; or
  - if exact measure cannot be obtained, provides best estimates of the student’s visual loss; and
  - includes a prognosis when possible

- A functional vision evaluation by a certified teacher of student's with visual impairments, or a COMS, that includes:
  - performance tasks in a variety of environments requiring the use of both near and distance vision, and
  - recommendations concerning the need for a clinical low vision evaluation;
- A learning media assessment by a certified teacher of students with visual impairments that includes recommendations regarding which specific visual, tactual, and/or auditory learning media are appropriate for the student, and whether there is a need for ongoing evaluation in this area; and
- An orientation and mobility evaluation performed by a COMS in a variety of settings including in the student's home, school, and community and in settings unfamiliar to the student.

For a student from birth through two years of age who meets the criteria for AI under the IDEA, an IFSP meeting must be held in place of an ARD Committee meeting and the District must comply with the evaluation procedures for students ages 0-5. See [AGES 0-5].

### **Additional Procedures**

When a referral for a student suspected of a visual impairment is first received, the Diagnostician/LSSP should contact a professional certified in VI for assistance in determining the types, levels, and procedures for assessment of the student.

If the parent does not provide to the District an examination report by a licensed ophthalmologist or optometrist that provides the required evaluation data, the District will obtain such information at no expense to the parent. The District or Campus Assessment Personnel should first request this report from the parent. If the parent refuses, or does not have a current report, and/or is not responsive to the request, the District or Campus Assessment Personnel should contact the Special Education Director or designee for assistance in setting up the appropriate examination. This may be accomplished by contracting with an ophthalmologist or optometrist, asking the parent to obtain the report and reimbursing the parent, or any other an appropriate method to obtain the evaluation data at the District's discretion. A vision screening conducted by a school nurse is not sufficient

The functional vision evaluation and the learning media assessment reports prepared as part of the student's FIE should typically be conducted and results shared prior to additional evaluation by the other qualified evaluation professionals, including school psychologists, educational diagnosticians, counselors and related service professionals, to ensure that tools used and results accurately reflect the student's aptitude and not the impact of a visual impairment. The teacher of students with visual impairments and the

certified orientation and mobility specialist are essential members of the team of qualified evaluation professionals when determining if a student meets the eligibility requirements as a student with a visual impairment.

District or Campus Assessment Personnel, including an appropriately certified orientation and mobility specialist will determine the scope of any re-evaluation of a student who has been determined to be eligible for the district's special education program on the basis of a visual impairment after a full and individual evaluation.

Upon completion of the VI evaluation, each member of the evaluation team should sign the FIE. If the student is eligible for special education as a student with a Visual Impairment, a Disability Report in this area will be completed.

If the student does not meet the eligibility criteria for VI, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or District Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

## **Evidence of Implementation**

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- Ophthalmologist/Optomtrist Report
- Functional Vision Evaluation
- Learning Media Assessment
- Orientation and Mobility Evaluation
- FIE
- Disability Report: Visual Impairment
- ARD/IEP or IFPS
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Visual Impairment - Region 18](#)

[Texas School for the Blind and Visually Impaired](#)

[Educating Students with Visual Impairments in Texas: Guidelines and Standards – Texas School for the Blind and Visually Impaired](#)

[OSEP Dear Colleague Letter on Braille \(June 19, 2013\) - U.S. Department of Education](#)

[OSEP Letter to Kotler \(Nov. 12, 2014\) - U.S. Department of Education](#)

[Visual Impairment - SPEDTEX](#)

## **CITATIONS**

Board Policy EHBA; Board Policy EHBAB; 20 USC 1414(d)(3)(B)(iii); 34 CFR 300.8(c)(13), 300.304(c)(4), 300.324(a)(2)(iii); Texas Education Code 30.002(c-1)(2), 30.004; 19 TAC 89.1040(b)–(c), 89.1050(a)–(b), 89.1055(d), 89.1085, 89.1090

# Evaluation

## INDEPENDENT EDUCATIONAL EVALUATION

October 22, 2021

Disclaimer: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

©2020 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

**CONTENTS**

INDEPENDENT EDUCATIONAL EVALUATION ..... 1

    What is Required ..... 1

    Additional Procedures ..... 2

        Notification ..... 2

        When the IEE is Granted ..... 2

        When the IEE is Denied ..... 2

        Criteria for IEE ..... 3

        Reimbursement for Parent-Obtained IEE ..... 4

        Consideration of the IEE ..... 5

    Evidence of Implementation ..... 6

    Resources ..... 7

CITATIONS ..... 8

# INDEPENDENT EDUCATIONAL EVALUATION

## What is Required

A parent of a student with a disability has the right to an independent educational evaluation (“IEE”) of the student at public expense if the parent disagrees with an evaluation obtained by the District. An IEE is an evaluation conducted by a qualified examiner who is not employed by the District. An evaluation is at public expense when the District either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent consistent with the provisions of the IDEA. See [USE OF IDEA PART B FORMULA AMOUNTS IN GENERAL].

A parent is limited to only one IEE at public expense each time the District conducts an evaluation with which the parent disagrees.

If a parent requests an IEE the District must, without unnecessary delay either file a due process complaint to request a hearing to show that its evaluation is appropriate, or ensure that an IEE is provided at public expense, unless the District demonstrates in a due process hearing that the evaluation obtained by the parent does not meet the District’s criteria. District Special Education Personnel may ask for the reason the parent objects to the District’s evaluation; however, the District may not require the parent to provide an explanation. The District may not unreasonably delay either granting the IEE request or filing a due process complaint to request a due process hearing to defend the District’s evaluation.

When the parent requests an IEE, the District Special Education Personnel must provide information about where an IEE may be obtained and the District’s criteria for an IEE. The District’s criteria for an IEE must be the same criteria the District uses when it initiates an evaluation, including the location of the evaluation and the qualifications of the examiner(s).

If the District decides to request a due process hearing instead of agreeing to pay for an IEE and the hearing officer finds that the District’s evaluation is appropriate, the parent still has a right to an IEE, but not at public expense. The parent would have to pay for the IEE. If in a due process hearing, the hearing officer orders an IEE, the District must pay for the evaluation.

The results of an IEE that meets the District’s criteria must be considered by the ARD Committee in any decision made regarding the provision of FAPE to the student, and may be presented by any party as evidence at a hearing on a due process complaint regarding the student.

## **Additional Procedures**

### **Notification**

If a parent requests an IEE, the Campus Special Education Personnel must document the date the request was received and immediately send the request to the District Special Education Director or designee. Campus Special Education Personnel may ask for the parent's reason why the parent objects to the public evaluation, but may not require the parent to provide an explanation.

As soon as possible after the parent requests an IEE, Campus Special Education Personnel will provide the parent with the IEE request form, if it has not already been completed, along with the District's IEE criteria. The Special Education Director or designee will determine if the parent has the right to an IEE by determining whether the District has already conducted its evaluation. If the District has not already conducted an evaluation, the parent will be notified that the parent is not entitled to an IEE. The Special Education Director or designee will also determine if the request is timely. IEE requests made more than one year after the District's evaluation was completed and reviewed with the parent are considered untimely. The Special Education Director or designee will notify the parent of any untimely request.

### **When the IEE is Granted**

If the Special Education Director or designee determines that the request for an IEE will be granted, the Special Education Director or designee will inform the parent in writing that the request has been granted and provide the parent with the following information: the District's list of qualified examiners in the area(s) of the IEE, an authorization to release information, a document containing the District's IEE criteria, including the requirements that qualified personnel complete the IEE, if it has not already been provided. The Special Education Director or designee will also provide the parent with a Prior Written Notice and a copy of the *Notice of Procedural Safeguards*. See [PRIOR WRITTEN NOTICE].

The District will permit the IEE evaluator to observe the student in the classroom setting, as allowed during an evaluation conducted by the District. The District can, however, impose reasonable constraints concerning when and how the observation(s) will take place.

### **When the IEE is Denied**

If the Special Education Director or designee determines that the request for an IEE will be denied because the District will defend its evaluation, the Special Education Director or designee will inform the parent in writing of the decision and provide the parent with the following information: a copy of the District's IEE procedures if it has not already been provided, a Prior Written Notice, a copy of the *Notice of Procedural Safeguards*, and



notification that the District has filed or will file a due process complaint requesting a due process hearing to defend the District's evaluation. See [PRIOR WRITTEN NOTICE].

If the Special Education Director or designee determines that the request for the IEE should be denied because the parent is not entitled to an IEE, the Special Education Director will notify the parent as soon as possible of the decision not to grant the IEE and reason for the denial, and an explanation that the District will not be requesting an IEE because the parent is not an entitled to an IEE. The reasons included in the notice to the parent may include one or more of the following:

- the request for the IEE is untimely;
- there is no District evaluation with which the parent disagrees;
- the parent has refused to provide consent so the District could conduct an evaluation;
- the parent has requested an IEE for an area in which the District has not yet evaluated;
- the District has not yet completed the evaluation; or
- an IEE has previously been completed.

If the reason the District is denying the request for an IEE relates to not having completed an evaluation, the District will review the parent's request for an evaluation in accordance with the evaluation procedures. See [EVALUATION PROCEDURES].

### **Criteria for IEE**

The Special Education Director or designee will draft and periodically review procedures and criteria for IEEs. Such information will be available to all District campuses. In addition, the Special Education Department will train Campus Special Education Personnel regarding responding to IEE requests from parents.

#### *Qualifications of the Evaluator*

The District requires that each person who performs an IEE have the same qualifications of the person(s) the District would have used had the District conducted the evaluation itself. As part of the IEE criteria, the Special Education Department may create a list of evaluators in the area that meet the appropriate qualifications for the specific IEE area. If the District denies an IEE on the basis that the provider selected by the parent is not qualified, the Special Education Director or designee will provide the parent with Prior Written Notice and give the parent the opportunity to show exceptional circumstances why the request should be granted despite deviation from the qualification criteria. See [PRIOR WRITTEN NOTICE].

### *Location*

The District's IEE procedures will include information about limitations on the geographic area from where the parent must choose an evaluator. If the District denies an IEE on the basis that the provider selected by the parent is outside the geographic area set out in the procedures, the Special Education Director or designee will provide the parent with Prior Written Notice and an opportunity to show exceptional circumstances why the request should be granted, despite deviation from the location criteria. The District may choose to grant the IEE even if the parent does not meet the location criteria and does not provide extenuating circumstances for deviation from the criteria, but inform the parent in writing that the District will not reimburse the parent for the cost of travel to and from the evaluator.

### *Cost*

The District will include in its IEE procedures the cost limitation for each type of evaluation (e.g., a psycho-educational, a psychological, occupational therapy evaluation, etc.). The District's cost cap will not prevent the parent from obtaining an IEE. If the District denies an IEE on the basis that the provider selected by the parent exceeds the cost criteria, the Special Education Director or designee will provide the parent with Prior Written Notice and provide the parent with the opportunity to show exceptional circumstances why the request should be granted despite deviation from the cost criteria.

### *Other Criteria*

The District's IEE procedures will include some or all of the following:

- information about releases to share confidential information,
- information regarding how the IEE evaluator will be paid by the District,
- the expectation regarding the type of report and when the report from the IEE evaluator will be provided,
- whether the IEE evaluator is expected to participate in the ARD meeting at which the report will be reviewed and, if so, whether that cost is included in the cost of the IEE,
- and reimbursement for the IEE evaluator to travel, if required.

### **Reimbursement for Parent-Obtained IEE**

If a parent requests that the District reimburse the parent for an IEE, the District may do so if the IEE meets the District's criteria or if the parent demonstrates exceptional circumstances to justify deviation from the criteria. The District will require the parent to meet the District's procedures/process on reimbursement and submit all necessary proof of payment.

The District may deny reimbursement if the evaluation does not meet state or federal requirements regarding the particular evaluation. The District may also deny reimbursement of a parent-obtained IEE, even if it meets the District's criteria, if the District proves at a due process hearing that its evaluation was appropriate.

### **Consideration of the IEE**

The ARD Committee will consider an IEE in any decision made with respect to the provisions of FAPE. The complete and final IEE report must be provided to the Campus Special Education Personnel within a reasonable time prior to the ARD Committee meeting so that there is sufficient time for the appropriately-qualified District or Campus Assessment Personnel to review the report prior to the ARD Committee meeting. If a parent or IEE evaluator sends the completed IEE to the campus, the Campus Special Education Personnel should document on the report the date of receipt and immediately forward the report to appropriate Assessment Personnel for review. If the IEE report is provided to the District for the first time at an ARD Committee meeting, the ARD Committee may table the meeting and reconvene at a later time so that appropriately-qualified District or Campus Assessment Personnel can have adequate time to review the report and provide feedback to the ARD Committee. The ARD Committee is not mandated to accept the IEE evaluation findings, implement the IEE recommendations, or modify the student's IEP based on the IEE, unless it is necessary to provide the student with a FAPE.

When MFISD receives a written request for an IEE, the campus ARD Facilitator will do the following:

- Document the date and time the request was received.
- Immediately notify the Director of Special Services.
- After coordination with Executive Director of Special Services, provide a response to the request for an IEE within reasonable amount of time.
- Responses will include approval for an IEE or notice of filing for a due process hearing with TEA.

### **Granting a Request for an IEE:**

1. Provide Prior Written Notice (PWN) that indicates the school district's decision to grant the request for the IEE.
2. In addition to the basic requirements for PWN, include the following:
  - a. Indicate the evaluation with which the parent or legal guardian disagreed and type of IEE granted.
  - b. If unknown, ask the parent or legal guardian to identify the specific area of disagreement. (The parent or legal guardian is not obligated to provide this information, and failure to respond to the school district's inquiry does not alleviate the school district from its obligation to provide an IEE or timely file for due process.)
  - c. MFISD criteria for IEE

### Denying a Request for an IEE:

In the event MFISD denies a request for an IEE, MFISD will file for a due process hearing with TEA to defend the appropriateness of its own evaluation unless MFISD receives written notice from the parent/guardian withdrawing the request.

### Information for Parents

- If MFISD has not conducted an evaluation, the parent does not have a right to an independent evaluation at public expense.
- Only one IEE for each evaluation completed by MFISD is available at public expense.
- The IEE will evaluate the same areas assessed by the MFISD evaluation unless MFISD evaluation did not address all areas of suspected disability.
- The results of a parent initiated IEE will be considered by MFISD, but such consideration does not make the district liable for reimbursement for the IEE.

#### **A. Parents Notify District**

Parents provide written request for an IEE. Request an IEE as soon as possible, but preferably within six months, but in any case, no later than one year following the MFISD evaluation in question. If willing, provide information regarding areas of disagreement with the MFISD evaluation. MFISD may offer to resolve the parent's disagreement by providing additional evaluation, but the parents are not required to accept the offer.

#### **B. Where an IEE may be obtained**

Information on where the IEE may be obtained will be provided to parents upon request for an IEE. A non-exhaustive list of qualified evaluators who can provide an IEE is available from the MFISD Special Services Office. Parents may choose an evaluator not on the list who meet the minimum criteria. The district criteria (State/Federal requirements) applicable for all evaluations must also be followed for the IEE.

#### **C. Next Steps**

Parent or guardian will provide the name of the proposed evaluator(s) to allow MFISD to:

- a. Check certification/licensure of evaluator
- b. Determine compliance with MFISD IEE criteria; and
- c. Contact the evaluator(s) to establish status as a MFISD approved vendor
- d. Develop a contract for services with the evaluator.

- e. Obtain parent/guardian consent to release confidential information.

#### **D. Reimbursement of Payment**

1. Reimbursement/payment will be made directly to evaluator(s) upon receipt of IEE, which meets all of MFISD's IEE criteria.
2. Parents obtaining an IEE without following these procedures will risk non-payment.
3. Whenever an IEE is at public expense, the criteria under which the IEE is obtained must be the same as the criteria the school uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an IEE.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

### **Evidence of Implementation**

- ARD/IEP
- District FIE
- IEE Request Form
- Prior Written Notice
- IEE Criteria
- IEE List of Providers
- IEE Agreement/Contract with IEE Evaluator
- IEE Completed by Outside Provider
- ARD Committee Review, Deliberations or Minutes of IEE
- District Forms: IEE Request, IEE Acceptance/Denial, MFISD Criteria for Publicly funded IEEs
- Documentation for the state in TSDS, PEIMS, and SPP

### **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Independent Educational Evaluation - Region 18](#)

[Independent Educational Evaluations - Region 4](#)

[Independent Educational Evaluation Archives - U.S. Department of Education](#)

[OSEP Letter to Anonymous \(Jan. 4, 2010\) - U.S. Department of Education](#)

[OSEP Letter to Zirkel \(Dec. 11, 2008\) - U.S. Department of Education](#)

[OSEP Letter to Baus \(Feb. 23, 2015\) - U.S. Department of Education](#)

[OSEP Letter to Christiansen \(Feb. 9, 2007\) - U.S. Department of Education](#)

[OSEP Letter to Anonymous \(Aug. 13, 2010\) - U.S. Department of Education](#)

[OSEP Letter to LaDolce \(Dec. 21, 2007\) - U.S. Department of Education](#)

[OSEP Letter to Inzelbuch \(Aug. 1, 2013\) - U.S. Department of Education](#)

## **CITATIONS**

Board Policy EHBAA; Board Policy EHBAE; 34 CFR 300.502(a)-(e), 300.507, 300.511, 300.514