

Evaluation and Eligibility (160-4-7-.04)

Special Education Leadership Development Academy

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Evaluation



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Evaluations

- Evaluations in the world of education range from a quick “screener” administered to a group of students by one person, to an in-depth, comprehensive evaluation performed on an individual student by a multidisciplinary evaluation team.

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Multidisciplinary Evaluations

- Individual multidisciplinary evaluations have major educational as well as legal significance.
- Trained evaluation specialists and sophisticated materials are required.
- Evaluations involve considerable time and expense.

Utilize Available Assessment Results



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- Embedding routine assessment of students and their progress throughout their educational experience provides an informative and efficient process that enables the students to make frequent data “tracks” of their progress.
- This data provides schools and parents up-to-date information to consider and use.
- If an on-going concern is referred to SST or for a special education evaluation, this process will have already generated a substantial amount of useful data.



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Initial Evaluation

- The Individuals with Disabilities Education Act (IDEA) requires that before a student can receive special education services, the district must determine whether the student meets eligibility requirements for special education and needs special education services.

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Initial Evaluation

The district must conduct (or arrange for) a comprehensive evaluation that:

1. Provides sufficient data to determine whether the student is a student with a disability;
2. Documents how the disability affects the student's academic or behavioral performance in school; and
3. Provides appropriate information for the development of an IEP, if eligible

Parent Request

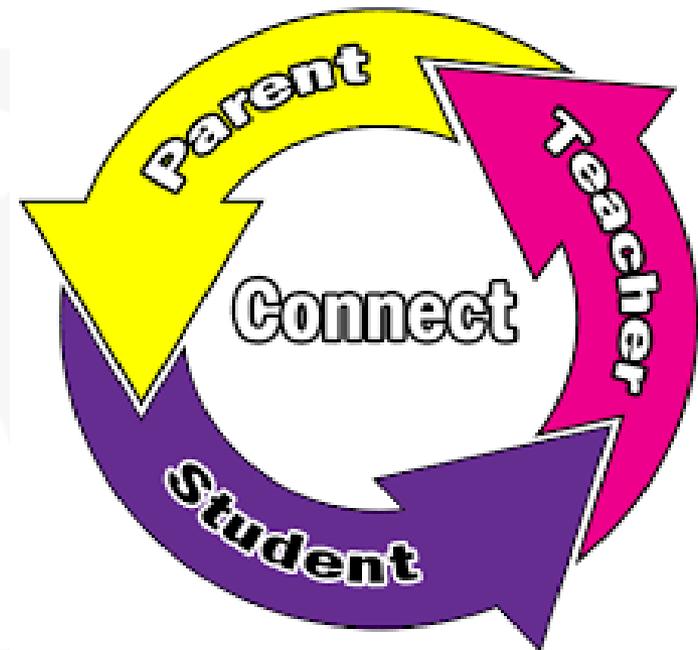
- If the referral is made by parental request, the district can either agree to or refuse the request. If the district refuses, it must give the parent written notice explaining the reason(s) why it is declining to initiate an evaluation, what data the decision was based upon, and other factors considered.
- The parents then have the right, if they choose, to request a due process hearing to seek a favorable ruling to conduct an evaluation.
- Parents should note that Georgia Rules for Child Find require documentation of scientific, research or evidence based academic and/or behavioral interventions that have been implemented as designed for the appropriate period of time to show effect or lack of effect in order to eliminate other explanations for student problems. If the SST process has been bypassed, the data may need to be gathered during the evaluation process.

Parent Rights

- If an evaluation is to be conducted, as well as whenever the parent requests an evaluation, the district must give the parent a copy of "Your Rights as Parents - Special Education," and provide an explanation to ensure that the parent understands these rights.
- If a parent's primary language is not English, a translated copy in his or her language must be given to the parent whenever feasible.
- Translations may be accessed online at the Parents' Rights link on the Special Education web page of the GaDOE website.

Parent Consent

- **Before an evaluation can begin**, the district must obtain a signed, informed parental consent for evaluation.
- The district has **60 calendar days** to complete the evaluation process with completion being defined as when the eligibility meeting is held.



Parent Consent



- Development and implementation of the Individualized Education Program (IEP) can take up to 30 additional days.
- The 60 calendar day time period begins when a district employee receives the signed consent but excludes school holidays and other times when the student is not in attendance for five or more consecutive school days.
- An exception occurs if the parent fails or refuses to produce the child for the evaluation.



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Referral

Each LEA must conduct a full and individual initial evaluation before the initial provision of special education and related services to a child with a disability. [34 C.F.R. § 300.301(a)]

- Each LEA shall ensure that evaluation procedures are established and implemented that meet the requirements of this Rule.



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Exceptions

- Any summer vacation period in which the majority of an LEA's teachers are not under contract shall not be included in the 60 day timeline for evaluation. However, an LEA is not prohibited from conducting evaluations over a summer vacation period.
- Consent received 30 days or more prior to the end of the school year must be completed within the 60 calendar day evaluation timeframe.



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Referral

- Students who turn three during the summer period or other holiday periods must have an eligibility decision and IEP (if appropriate) in place by the third birthday. Must consist of procedures which determine if the child is a child with a disability and to determine the educational needs of the child. The timeframe described above does not apply to a LEA if:
 - The parent of a child repeatedly fails or refuses to produce the child for the evaluation; or
 - (C) 2 A child enrolls in a school of another LEA after the relevant timeline in this Rule has begun and prior to a determination by the child's previous LEA as to whether the child is a child with a disability



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Referral

- The exception in (c)(2) in previous slide applies only if the subsequent LEA is making sufficient progress to ensure a prompt completion of the evaluation and the parent and subsequent LEA have agreed to a specific time when the evaluation will be completed. [34 C.F.R. § 300.301(e)]
- If extenuating circumstances, e.g., illness, unusual evaluation needs, or revocation of parent's consent for evaluation affect this time line, the LEA shall document the exceptions.

Parent Consent

- The LEA proposing to conduct an initial evaluation to determine if the child qualifies as a child with a disability shall, after providing notice, obtain an informed consent from the parents of such child before the evaluation is conducted.
- The LEA must make reasonable efforts to obtain the informed consent from the parents.
- LEA must document its attempts to obtain parental consent using procedures that may include detailed records of telephone calls made or attempted and the results of those calls, copies of correspondence sent to the parents and any responses received, and detailed records of visits made to the parent's home or place of employment and the results of those visits.

Parent Consent

- If the parent refuses to give consent for the evaluation, the district may but is not required to, pursue the evaluation through mediation or a due process hearing.
- In some cases (if the child is home schooled or placed by the parents in a private school at their expense), the district cannot use the mediation or due process hearing procedures to override the parents' refusal for evaluation.

Parent Consent

For initial evaluations only, if the child is a ward of the State and is not residing with the child's parent, the LEA is not required to obtain informed consent from the parent for initial evaluation to determine whether the child is a child with a disability if -

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

Parent Consent

Parent consent **is not needed** for the LEA to perform these routine duties:

1. Review existing evaluation information.
2. Screen a child to determine appropriate instructional strategies.
3. Administer an evaluation that is given to all students without consent for evaluation.

Multidisciplinary Evaluation Team



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The comprehensive evaluation will be conducted by a multidisciplinary team.

- This team may consist of the district's psychologist, educational diagnostician, speech-language pathologist, occupational therapist and/or physical therapist, and others as appropriate to the evaluation. ***The child's parents are considered members of this team.***
- The team is responsible for assessing the student in all areas related to any suspected disability and in any other areas deemed relevant.



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Multidisciplinary Evaluation Team

- The team is responsible for assessing the student in all areas related to any suspected disability and in any other areas deemed relevant. ***The evaluation must be comprehensive.***
- The student should be given a hearing and vision screening during the SST or other pre-referral process with results being no older than one calendar year.
- The parents will be asked to provide input during the evaluation process. Their information is valuable in developing the total picture of the child.

Impact on Educational Performance

- Prior to special education eligibility, a number of interventions must have been provided to the child.
- The interventions provided through general education are in addition to the traditional instruction that all students receive and may vary in duration and intensity of support.
- In addition to the actual interventions, data must be analyzed to determine the amount of progress the child is making with the evidence-based interventions.

Impact on Educational Performance



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- Data is collected through progress monitoring.
- The objective is to determine whether the child receiving interventions is making progress toward the established benchmark of performance.
- Benchmark performance is determined by mastery of the standards and elements identified for a specific grade level.
- Once sufficient data is collected (for SLD, there must be a **minimum** of 4 data points collected from the progress monitoring over a **minimum** of 12 weeks of interventions), the team will analyze the information to determine next steps to support the child to succeed in the general education curriculum.

Impact on Educational Performance



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- A child whose *rate of learning* is comparable to grade level peers cannot be determined to have a disability that impacts educational performance even though the child may be below grade level performance. General education interventions should continue to be made available, possibly increasing in their intensity or duration.
- For a child whose *rate of learning* is not comparable with grade level peers may be considered a child with a disability that impacts educational performance. Special education support may be necessary.

Comprehensive Evaluation



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All areas related to any suspected disability must be assessed, including vision and hearing and if appropriate, health, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

The evaluation must be comprehensive and cannot be focused solely on a specific concern – such as a “speech only” evaluation.

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Other Evaluation Procedures

Each LEA shall ensure that:

- Assessments and other evaluation materials used to assess a child under this section:
 - Are selected and administered so as not to be discriminatory on a racial or cultural basis;
 - Are provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer;

Other Evaluation Procedures

Each LEA shall ensure that:

- Assessments and other evaluation materials used to assess a child under this section:
 - Are used for the purposes for which the evaluations or measures are valid and reliable;
 - Are administered by trained and knowledgeable personnel; and
 - Are administered in accordance with any instructions provided by the producer of the assessments.

Qualified Examiner

The evaluation of children referred because of learning and/or behavior problems is the responsibility of a multidisciplinary evaluation team.

For children who require a psychological and clinical evaluation, it must be conducted by a qualified psychological examiner:

Qualified Psychological Examiner Requirements

- Initial evaluation results used for consideration of eligibility for special education, if not provided by a school psychologist with a valid S-5 (or higher) certificate in school psychology, shall be from one of the following:
- A psychologist licensed by the Georgia Board of Examiners of Psychologists and having training and experience in school psychology or child clinical psychology.

Qualified Examiner

- Qualified Psychological Examiner Requirements
 - A full-time graduate student in an approved, properly supervised school psychology or child clinical psychology training program internship/practicum, who has completed a minimum of one year of approved appropriate graduate training.
 - A Georgia Merit System employee who has a classification rating of psychologist, senior psychologist, or psychology program specialist.

Comprehensive Evaluation

Evaluations often use many of the following:

- Individually administered tests and tools
 - Academic Achievement
 - Cognitive Ability
 - Social/Emotional/Behavioral
 - Speech/Language
- Parent/Teacher/Child Questionnaires
 - Social/Emotional/Behavioral
 - Adaptive Behavior
- Parent information and input

Comprehensive Evaluation

- Teacher input (verbal or written descriptions/analyzed classroom work samples)
- School-wide standardized assessment results
- Medical information, as appropriate
- Classroom observations
- Prior testing done in private settings
- Prior testing done in other school settings, such as formative assessments from classroom progress monitoring

Re-evaluation

Each LEA must ensure that a reevaluation of each child with a disability is conducted at least once every 3 years, unless the parent and the LEA agree that a reevaluation is unnecessary:

- If the LEA determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrants a reevaluation; or
- If the child's parent or teacher requests a reevaluation
Limitation: A reevaluation may not occur more than once a year, unless the parent and the LEA agree otherwise; and must occur at least once every 3 years, unless the parent and the LEA agree that a re-evaluation is unnecessary.



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Re-evaluation

- Each LEA shall obtain informed parental consent prior to conducting any reevaluation of a child with a disability, except that such informed parental consent need not be obtained if the LEA can demonstrate that it has taken reasonable measures to obtain.

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Evaluations before Change in Eligibility

The LEA must evaluate a child with a disability before determining that the child is no longer a child with a disability.

The evaluation is not required before termination of a child's disability due to graduation from high school with a regular education diploma, or due to exceeding the age eligibility for FAPE. However, the LEA must provide the child with a **summary of the child's academic achievement and functional performance**, which shall include recommendations on how to assist the child in meeting the child's post-secondary goals.

Eligibility



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Categories of Eligibility

A child or youth from 3 through 21 years of age is considered to have a disability under the Individuals with Disabilities Education Improvement Act (IDEA 2004) if the child or youth meets the eligibility criteria in any of the following areas and needs special education and related services:

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Categories of Eligibility

Autism Spectrum Disorder

Deafblind

Deaf/Hard of Hearing

Emotional and Behavioral Disorder

Intellectual Disability (mild, moderate, severe, profound)

Orthopedic Impairment.

Other Health Impairment

Significant Developmental Delay

Specific Learning Disability

Speech-Language Impairment

Traumatic Brain Injury

Visual Impairment

Eligibility

Procedures for determining eligibility and educational need.

- If a determination is made that
 - A child has a disability,
 - And the disability affects educational performance (academic, functional and/or developmental) and
 - The child needs special education and related services, an eligibility document and IEP must be developed for the child.



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Determination of Eligibility

- Upon completion of the administration of assessments and other measures, a group of qualified professionals and the parents of the child (Eligibility Team) determine whether the child is a child with a disability and the educational needs of the child.
- The LEA shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.

Exclusionary Factors

A child must not be determined to be a child with a disability if the primary factor for that determination is:

- Lack of appropriate instruction in reading, including the essential components of reading instruction as defined in section 1208(3) of ESEA);
- Lack of appropriate instruction in mathematics; or
- Limited English proficiency; and
- If the child does not otherwise meet the eligibility criteria under this Rule.



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Interpreting Evaluation Data

- In interpreting evaluation data for the purpose of determining if a child is a child with a disability and the educational needs of the child, each LEA must:
 - Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations as well as the information about the child's physical condition, social or cultural background, and adaptive behavior;
 - Ensure that information obtained from all of these sources is documented and carefully considered.



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Interpreting Evaluation Data

- In interpreting evaluation data for the purpose of determining if a child is a child with a disability and the educational needs of the child, each LEA must:
 - If a determination is made that a child has a disability, and the disability adversely affects educational performance (academic, functional and/or developmental) and therefore needs special education and related services, an IEP must be developed for the child in accordance with Rule 160-4-7-.06
INDIVIDUALIZED EDUCATION PROGRAM.

Eligibility Report

An eligibility report which documents the area of disability shall be completed and placed in each child's special education folder. The eligibility report shall provide statements for each component of the eligibility and **shall be comprehensive enough to serve as the evaluation report** when necessary.

- For those children determined not eligible for special education and related services, the eligibility report shall clearly explain the Eligibility Team's determination.
- The parent of the child shall receive a copy of the eligibility report at no cost to the parent.

Learning Together

- At your table groups, read and discuss the assigned eligibility categories. Prepare to share the specifics with the group.



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Discussion and Sharing



**KEEP
CALM
AND
ASK
QUESTIONS**