

West Linn-Wilsonville School District 3J

Policy IGBAF-AR

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Special Education – Evaluation Procedures

Evaluation

Guiding Principles

The purpose of any evaluation in West Linn-Wilsonville is to support each child to know themselves as a learner and to strengthen the circles of support around that child, never to lower expectations or limit possibilities.

The specific additional goal of a special education evaluation is to consider eligibility for special education under one of the 12 specific categories, and to determine if the child requires specially designed instruction because of that disability. In West Linn-Wilsonville, we understand the obligations of Child Find (locating, evaluating, and identifying students with disabilities).

West Linn-Wilsonville has a Circles of Support system in place to ensure that all students who need support get it right away, and that there are appropriate considerations in place through each building's Child Study Team to determine who should be referred for a special education evaluation.

A special education evaluation is a set of procedures used to determine whether the student is disabled, and the nature and extent of the special education and related services that the child needs. The evaluation must address all areas of suspected disability for each student.

For children who are Emerging Bilinguals, additional components are included in the Child Study Team process to help differentiate between language difference and learning disability. Tests and procedures are administered that measure the extent to which the child has a disability and needs special education, rather than merely measuring the child's English language skills. See the [**EL/SPED section of the Special Ed handbook**](#) for more information on evaluation of English learners.

Procedural Guidance

For Initial Evaluations:

- **In most cases**

- Teacher notices concern regarding academics, independence, communication, social growth, or behavior
- Teacher communicates with the student and parents and receives their students.
- Teacher works to help the student be more successful through additional strategies of high-quality classroom instruction.
- If concern continues, teacher collaborates with other teachers (building specific process) to hone instructional strategies or consider other ways of helping the student be more successful
 - Teacher continues communication with the student and parents
- If concern continues, teacher makes referral to the school's Child Study Team (see School Counseling Handbook guidance for **Child Study process**):
 - Teacher formally notifies parents of referral to the Child Study Team (notification, not consent)
 - A Child Study Team member observes the student during area of concern.
 - The Child Study Team, including teacher, reviews current data and then plans for adjustments to classroom instruction (interventions) for a reasonable period of time, usually for at least two cycles of review
 - If the student makes progress through these additional classroom interventions, then the teacher should continue the interventions.
 - The Child Study Team meets to determine whether interventions should continue, interventions should be faded out, or new interventions should be tried
 - If concern continues after several rounds of interventions, the Child Study Team can refer the student for evaluation for either special education or 504
 - If parent signs Consent for Evaluation, the school team has 60 school days to determine eligibility
 - If parents choose not to consent to a special education evaluation, the team should document this and continue to provide high-quality instruction through general education
- Student Services Office is contacted to open SPED portion of ePEP (including referral and evaluation tabs)

- **In rare cases**

- The concerns noticed may be of such an extreme or physical nature that the Child Study Team may decide to move directly to SPED Evaluation without the full Child Study process
 - For example: the student is blind or has just been released from a residential mental health facility

- **For articulation only**

- When the concerns ONLY involve the articulation of sounds, and there are no other areas of concern for the student, the teacher may refer directly to the Speech Language Pathologist
- The Speech Language Pathologist will notify the Child Study Team if in agreement to move forward straight to special education evaluation
- The Speech Language Pathologist ensures that the Parent Contact, Educator Input, Observation, and Child Study Summary are complete. In other words, we don't

necessarily need to go through rounds of intervention and data collection in this case, but we still review and document the input of team members and the decision to evaluate in the Child Study tab.

- For additional information, see the **SPEECH & LANGUAGE** section of this handbook
- **When parents (or a community partner) present a request for evaluation for special education**
 - A team should meet with the family as soon as possible and take meeting notes. The team should include:
 - a classroom teacher
 - a school psych (or speech language pathologist if the concern is only articulation or language)
 - school counselor, principal, or instructional coordinator
 - At the meeting, the parents will share the nature of their concerns and any additional information
 - At the meeting, school staff should share all relevant data and information that they have regarding the child's progress, learning, social growth, and behavior.
 - All of this information is documented in Child Study tab. The School Counselor/Child Study facilitator ensures that the Parent Contact, Educator Input, and Observation sections are completed.
 - There are 3 possible pathways at this point:
 1. Based on the new information from the parent as well as data from the school, the team agrees to move forward with a special education evaluation
 - In other words, we don't necessarily need to go through rounds of intervention and data collection in this case, but we still review and document the input of team members and the decision to evaluate in the Child Study tab (summary form).
 - If parent signs Consent for Evaluation, the team has 60 school days to determine eligibility
 2. Based on the information from the school, the parent may agree that we should not move forward with special education evaluation
 3. Based on the information from the parent and school, the team may decide to enter the Child Study process - trying an intervention for a period of time, and coming back together to see if that intervention was successful.
 - This is the most common pathway when a parent requests an evaluation
 - If the team and parents do not come to agreement on one of these steps, contact Student Services Administrator for support on next steps - including a Prior Written Notice of SPED Action to explain the decision
 - At the conclusion of the meeting, the team should document one of the following decisions on the Child Study Summary form:
 0. Student has responded well to interventions - end of Child Study - **no further evaluation necessary**
 1. Concerns are due to previous lack of instruction - continue instruction (and possibly interventions) - **no further evaluation necessary**

2. Concerns are due to language/culture - continue instruction and address language/culture concerns - **no further evaluation necessary**
3. Referral for evaluation for 504 or Special Education

For Re-Evaluations:

- Re-Evaluations occur:
 - at least every 3 years or when a change in the student's performance warrants an evaluation (i.e. the student is meeting all of their goals or the team suspects another area of disability)
 - when parents or teacher requests a re-evaluation
 - not more than once a year - unless team agrees otherwise
- The IEP team provides information about the student's previous evaluations and current levels of performance on the Re-Evaluation Planning Form in ePEP (**example form**) usually about 3 months prior to 3 year evaluation due date. The Re-Evaluation Planning Form includes, but is not limited to, the following:
 - Input from parents
 - Classroom-based observations
 - Classroom performance
 - Previous assessments
- The Re-Evaluation Planning process can be done in a meeting with the entire IEP team present, or it may occur without a meeting with different team members sharing their input and opinions
- If there is any sense of disagreement among team members, we should hold the Re-Evaluation Planning meeting
- Based on the review of information gathered in the Re-Evaluation Planning process, the team will determine:
 - If additional assessment is needed to determine eligibility or for educational planning purposes
 - What additional assessments will be given, if any
 - Parents sign the Consent for Evaluation Form
 - The Consent for Evaluation form is formatted as a Prior Written Notice. This documents the team's decision, the reasons for it, and the parent's right to request additional assessment
 - If no additional assessment is needed, the team can move straight to reviewing eligibility based on current data

Evaluation Guidelines:

- Assess the student in all areas of suspected disability
- The evaluation should be sufficiently comprehensive to identify all of the student's special education and related needs
- The evaluation includes information provided by the parent as well as a variety of assessment tools and strategies
- The assessments and other evaluation materials are:

- selected and administered so as not to be discriminatory on a racial or cultural basis
- provided in the child's native language or other mode of communication unless it is clearly not feasible to do so
- used for purposes for which the assessments are valid and reliable
- administered by trained and knowledgeable personnel
- administered in accordance with the instructions provided by the producer of the assessment
- **No single measure or assessment can be the sole factor to determine whether a child qualifies for special education services**

For Emerging Bilinguals:

- Being bilingual is always an asset. Our processes and the language we use to talk about Emerging Bilingual students should clearly communicate this belief.
- Differentiating between language difference and disability is an extremely complex endeavor.
- The length of time needed to fully acquire a second language varies greatly, but the average time is 5-7 years.
- We must always pay attention to culture and language whenever the question is raised about possible need for SPED evaluation.
- Someone with language acquisition expertise must be on the evaluation team for students who are emerging bilinguals.
- Consult with the Student Services Office to determine if assessments need to be conducted in a language other than English, and by whom.

Independent Educational Evaluation (IEE):

- If the parents disagree with an evaluation for special education that has been conducted by the district, they may request an Independent Educational Evaluation (IEE). Additional consideration regarding whether a parent is requesting a re-evaluation is warranted should be given to any request for an IEE that is made more than six months after the date of the last evaluation.
- The Student Services Administrator will be notified of any request for an IEE, and will decide whether to agree to the request or initiate a due process hearing to prove that its evaluation was appropriate.
- If the district agrees to the IEE, parents will be given a copy of the policy and procedures, information about where they may obtain an evaluation, and the criteria that must be met. The district may ask why the parents disagree with the evaluation conducted by the district; however, the parents are not required to provide an explanation.

- Parents may only request one publicly funded independent evaluation for each evaluation completed by the district.
- Evaluators selected to conduct IEE's must possess the minimum qualifications specified and be located within the greater Portland metro area. Only the cost of the evaluation is covered.
- Independent evaluators conducting the IEE must agree to release their assessment information and results directly to the district's Student Services department before payment is rendered.
- Results of any evaluation data and other information provided will be considered by the team in making decisions regarding the provision of a Free and Appropriate Public Education (FAPE) as required by the Individuals with Disabilities Education Act.
- Payment will be denied for any Independent Educational Evaluations completed prior to obtaining written agreement from District Student Services department.

IEE Possible Providers for School Age Evaluations

IEE Maximum Costs

Eligibility

- **Guiding Principles**

Our goal is to find the students who should be eligible for special education, to conduct our evaluations in a timely and culturally-sensitive manner, and to use special education as a tool to help eligible students move forward in becoming great thinkers and thoughtful people for the world.

The question of eligibility for special education is an important one. Special education can provide much needed supports and insight for students with disabilities. At the same time, the identification for special education can impact the ways a student experiences school, and the mindset of the learner and those around them. Parents and teams need time for this important process, especially for an initial eligibility.

In West Linn-Wilsonville, we understand the obligations of Child Find (locating, evaluating, and identifying students with disabilities), while being keenly aware of the importance of not over-identifying students from underrepresented groups or making eligible students who may have issues other than disability impacting their learning (including second language acquisition).

In interpreting evidence for decisions about special education eligibility, teams carefully consider information from a variety of sources, the criteria for the eligibility category and the child's unique circumstances. Documentation of these conversations is guided by district eligibility forms that are in compliance with the IDEA and Oregon Administrative Regulations.

Procedural Guidance

Special education and related services are available to all resident school-age children with disabilities who meet eligibility criteria:

- School-aged children are aged 5-21 as of September 1
- This includes students enrolled in a public charter school within the district
- When a student graduates with a standard diploma, they are no longer eligible for special education services

The Eligibility Team

- The eligibility team is made up of the parent and at least two professionals, at least one of whom is a specialist knowledgeable in the evaluation and education of students with disabilities.
- The general education teacher is only required to be part of the eligibility team if the area of suspected disability is Specific Learning Disability. However, it is always best practice to have the general education teacher involved as they are the child's primary educator.

The Eligibility Meeting

- The eligibility team reviews evaluation results and eligibility criteria for areas of suspected disability.
 - The eligibility team cannot find a student eligible if they determine that the primary basis for the suspected disability is due to
 - a lack of instruction in reading or math
 - limited English proficiency
 - The eligibility team determines whether the disability has an adverse impact on the child's educational performance
 - The eligibility team also determines whether the child needs special education services
 - Advancing from grade to grade does not disqualify a student from eligibility for special education

- The eligibility meeting must take place no later than 60 *school* days from the date that the parent signed the Consent for Evaluation form to determine whether or not the student is eligible.
- The initial eligibility meeting should take place as a stand alone meeting, to allow all team members adequate time to process this important decision, in most cases.

If found eligible, the initial IEP meeting must be held within 30 *calendar* days of the eligibility meeting.

Students must be evaluated in all areas of suspected disability; only one area of eligibility is required to qualify for special education. In general, we look for the area of eligibility which most impacts the student's learning, but there may be particular reasons that a team may pursue additional areas of eligibility(ies).

- If a team determines that a student is eligible in more than one category, they should document which category is the primary disability.

Each member of the team will sign the eligibility document and indicate their agreement or disagreement with the team's eligibility decision.

The eligibility team may determine that a student is not eligible for special education. If the team determines that a student does not meet one of the criteria on the eligibility form, they should draw a diagonal line through the rest of the form. The team should then sign the form saying that they agree that the student is not eligible.

- For Example: The eligibility team is considering whether a student has a Specific Learning Disability. After discussing the results of appropriate assessments, the team determines that the student does not demonstrate a pattern of strengths and weaknesses and therefore does not have a Specific Learning Disability. The team does not need to continue with the rest of the eligibility form (determining whether the disability has an academic impact and whether the student requires specially designed instruction). Draw a line through the rest of the form. Then have team members sign the form.

Exiting - Finding a Student Non-Eligible

The process of "exiting" from Special Education is basically the same as the process of renewing eligibility.

- If a case manager, student, parent or teacher suspects that a student no longer needs special education services, they should call meeting to do Evaluation Planning.
- The team may determine that they have enough data to hold an eligibility meeting. Or they may determine that they need to conduct additional testing.
 - If additional testing is needed, the parent signs the Consent for Evaluation form.
- Within 60 school days of the signed consent, the Eligibility team meets to review the student's eligibility.
- If the team determines that the student is no longer eligible for special education services, this should be documented on the eligibility form as well as in the meeting notes.
- The district also completes a **Prior Written Notice** of SPED Action to document the process.

Resources

Oregon Administrative Rules (OARs) for Special Education Eligibility 581-015-2100+ (pdf updated November 2016)

TBI Eligibility Resource

Eligibility FAQs

What if the parents request holding the first IEP meeting on the same date as the initial eligibility meeting due to schedule constraints?

This is not recommended, as the eligibility process presents a great deal of important and often complex information for the team and parents to understand. However, it is legally permissible to have both meetings on the same day. It is important to know your parents and their needs, and make the best decision for the situation.

Learning Specialists generally strive to send a draft IEP home in advance of an IEP meeting. This can be complicated if we send home a draft IEP before the team has determined that a student is even eligible for special education services. Parents may perceive that the school has made an eligibility decision before the eligibility team (including the parent) has met to determine eligibility.

What if not all team members agree on the eligibility decision?

Most teams reach consensus around eligibility determinations through thorough evaluation, thoughtful discussion, and ensuring that all team members are heard. However, if the team does not reach consensus, the team member (parent or educator) who disagrees should document their reasons for disagreeing in writing. This written dissent is then uploaded as an attachment to the eligibility decision in ePEP. The student would still be eligible if the rest of the team was in agreement with the decision.

If the parent disagrees with the eligibility decision, will the student still get special education services?

Once a team determines a student is eligible for special education services (even if there was not consensus), the school does not begin providing services until the parent signs consent for the Initial Provision of Special Education Services. This is documented on a separate consent form from the eligibility determination. So a student can be found eligible for services, but not actually receive services because the parent chooses not to sign consent for initial provision. A parent can also choose to revoke consent for services at any time - with written notice. (See the **Parents: Collaboration, Communication & Procedural Safeguards** page in this handbook for more details)

Can an SLP exit a student from SPED services without a formal eligibility meeting if the student has met all of their goals?

No. Eligibility is a team decision, not the decision of a single professional. If a student has met all of their speech goals, the Speech Language Pathologist (SLP) should call a team meeting to add additional goals or re-consider eligibility (starting with Evaluation Planning). The student's data from the SLP may be enough to make an eligibility determination, but it needs to be a team decision.