

Guide to the Initial Evaluation Process

Division for Special Education Services and Supports
April 2020



Learning Target



I can identify the steps to take when a student is referred for an initial evaluation.

Common Errors Made During Initial Evaluation

- **Failure to obtain informed parent consent prior to evaluation.**
- **Failure to inform parents what tests will be administered.**
- **Failure to provide a copy of parent rights to parents.**
- **Failure to review due process rights with parents.**
- **Failure to comprehensively evaluate students.**
- **Failure to use standard appropriate tools.**
- **Failure to complete the evaluation within the 60-day timeline.**

Initial Evaluation Procedures

160-4-7-.04 EVALUATIONS AND REEVALUATIONS

LEAs wishing to conduct an initial evaluation to determine if a child has a disability must obtain informed parent consent to evaluate.

A 60-calendar-day time period for completion of the evaluation begins when the LEA receives the signed consent to evaluate.

Exceptions to the 60 Day Rule

Exceptions to the **60-calendar-day** rule include:

- holiday periods or other times when students are not present in school for 5 or more consecutive days
- summer vacation when teachers are not under contract
- parent repeatedly does not produce the student
- the child transfers from one LEA to another after the **60-day** timeline starts
- other extenuating circumstances such as illness, unusual evaluation needs, or parents revoke consent to evaluate.

Initial Evaluation Procedures

160-4-7-.04 EVALUATIONS AND REEVALUATIONS

- Each LEA must establish written procedures for evaluation.
- Each LEA must conduct a full and individual initial evaluation before providing special education and related services to a child with a disability.

Ensuring Compliance with Timeline

To ensure compliance with the 60-day timeline consider the following:

- School:** Gather all referral information and the parent consent to evaluate. Provide this to the evaluator or special education department (whatever is the district's procedure) within 2 days of receiving the consent to evaluate.
- Special Education Department:** Log the date when the consent to evaluate was received. Record the day the 60-day timeline ends. Periodically monitor the timeline.
- Psychologist and other evaluators:** Complete the evaluation by the due date.
- School:** Schedule the eligibility meeting within 10 days of the completion of evaluation.



Initial Evaluation

The LEA must:

- provide notice to parent and obtain informed consent before an evaluation is conducted.
- list on Parent Consent to Evaluate a description of each assessment domain that will be evaluated.

Parent Rights

LEAs **must** provide parent rights upon initial referral for evaluation.

Parents should receive a **full explanation** of all procedural safeguards/parent rights available to them.

Parent Rights **must be provided in the native language** of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

If the native language or mode of communication of the parent is not a written language, the LEA must take steps to translate the notice orally or by other means in parent's native language or mode of communication.

Parent Rights

Parent Rights

“Too often, the packet of procedural rights information received by parents during IEP meetings is characterized by legalistic jargon and small print. Common parental complaints are that this information is not explained, that time constraints prevent school-based team members from answering their questions, and that their participation is trivialized when school personnel note that parents “probably don’t want to waste meeting time going over it” or joke that, because parents receive a copy of it every year, they probably have enough copies to “wallpaper their house.” Parents are then asked to sign a form verifying that they have received the information. In addition to being procedurally unsound, such practices also diminish the parents’ role as an equal member of the IEP team.”

(Common Procedural Error- [The IRIS Center Peabody College Vanderbilt University](#))

Parent Consent

The LEA must document attempts to obtain parental consent using procedures including:

- 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
- detailed records of visits made to the parent's home or place of employment and the results of those visits.

Initial Evaluation Procedures

The LEA must use a variety of evaluation tools and strategies to gather relevant academic, functional, and developmental information about the child, including information provided by the parents.

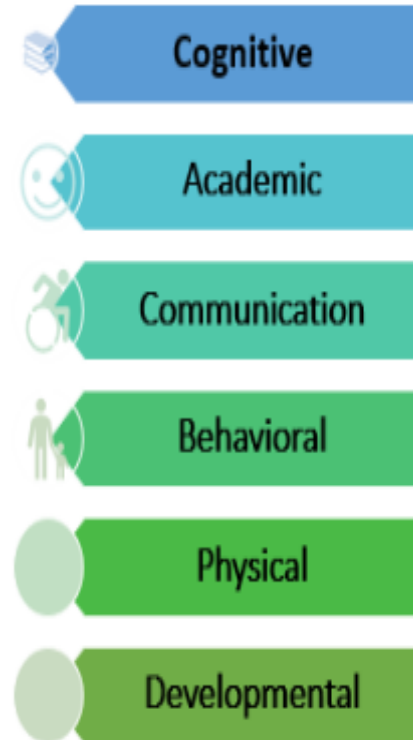


Initial Evaluation Procedures

The LEA should not use a single procedure as the sole criterion for determining whether the child has a disability, nor for determining the appropriate educational program for the child.

Initial Evaluation Procedures

The LEA must use technically sound instruments that assess cognitive, academic, communication, behavioral, physical and/or developmental level.



Evaluation

Ensure that assessments and evaluation materials used to assess a child are:

- not racially or culturally discriminatory
- provided and administered in the child's native language or other mode of communication that yields accurate information about the child
- valid and reliable
- administered by trained and knowledgeable personnel; and
- administered in accordance with any instructions provided by the producer of the assessments.

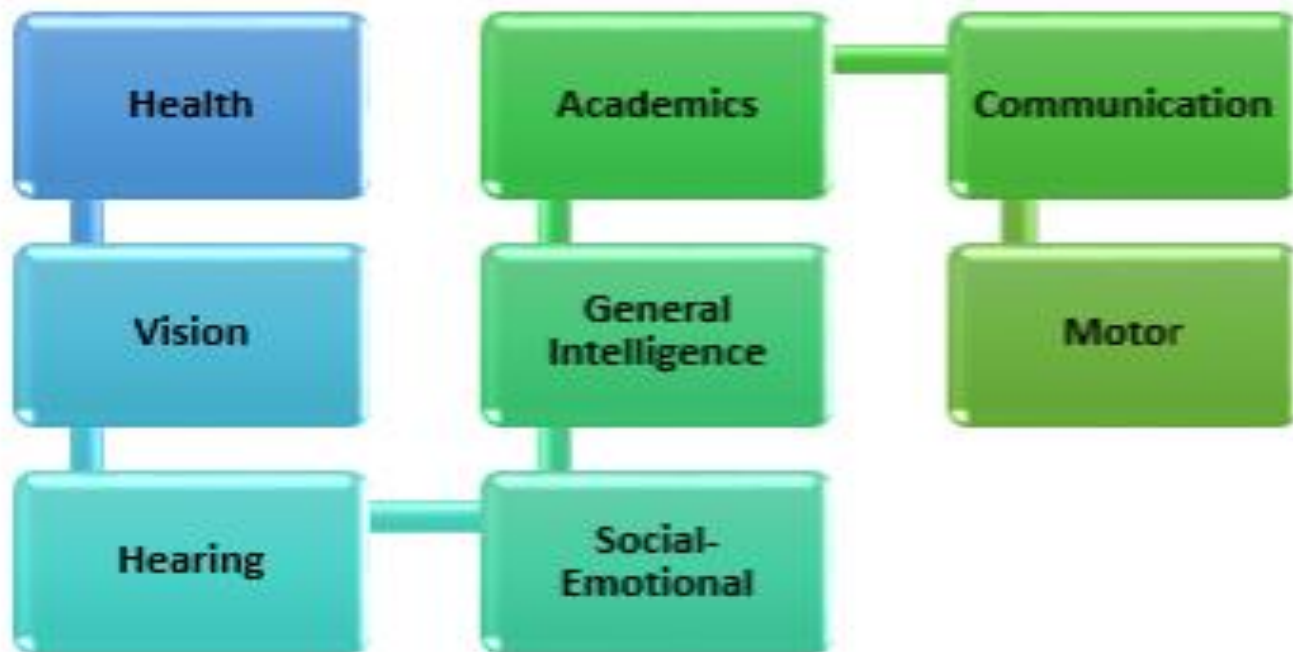


Evaluation

The child must be assessed in all areas related to the suspected disability, including health, vision, hearing, academic performance, general intelligence, social and emotional status, communicative status, and motor abilities.

Comprehensive Evaluation Visual

Comprehensive Evaluation



Evaluation

- Assessments and other evaluation materials must assess areas of educational need and not be designed to provide a single general intelligence quotient.
- If an evaluation is not conducted under standard conditions, a description of the extent to which it varied from standard conditions, i.e., the qualifications of the person administering the test, or the method of test administration must be included in the evaluation report.
- The evaluation of children referred because of learning and/or behavior problems should be conducted by a multidisciplinary evaluation team.

Evaluation

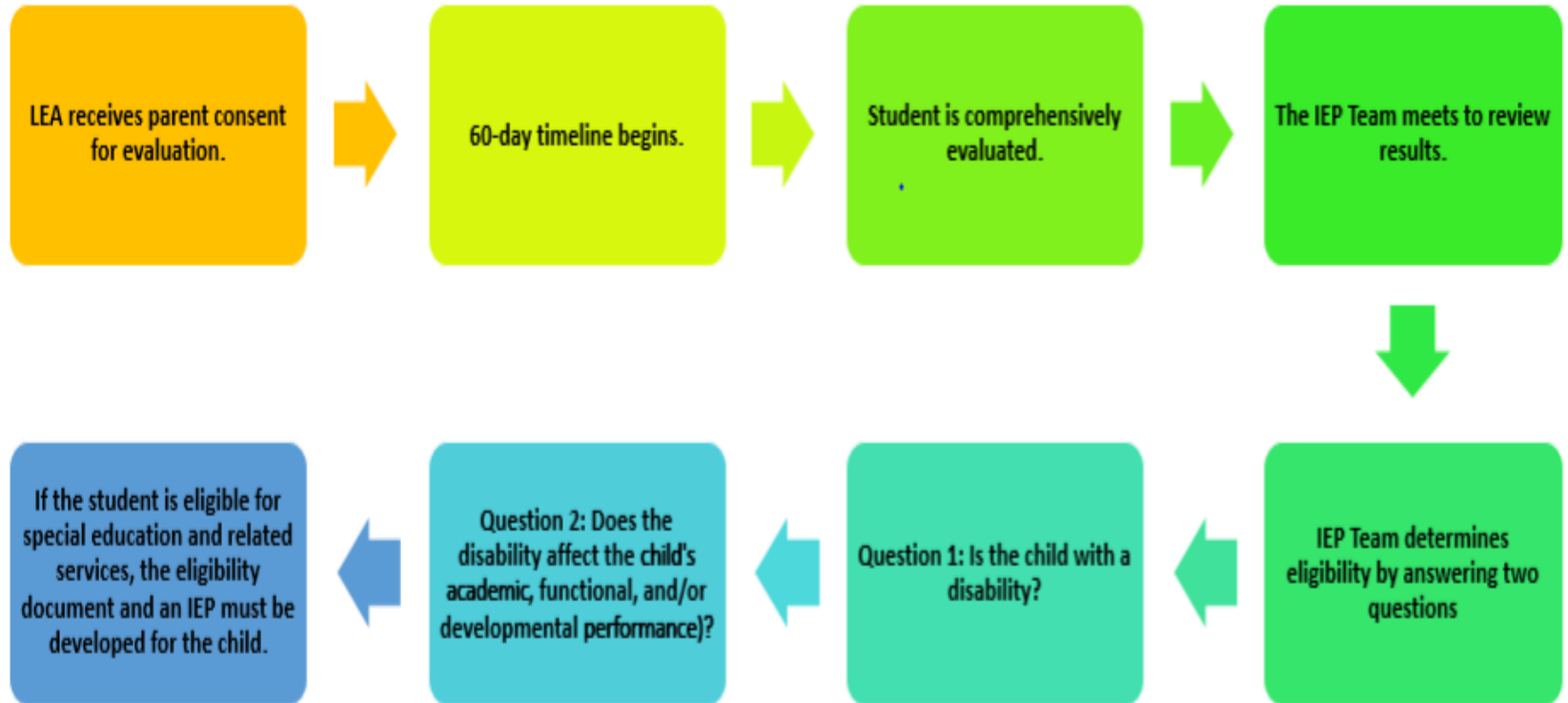
Once the evaluation is completed, the information will assist the IEP team in determining whether:

- the child is a child with a disability
- the disability affect the educational performance (academic, functional, and/or developmental)

If the answer to both questions is “Yes”, then the child is eligible for special education and related services.

If the child is determined to be eligible for special education and related services, evaluation results will assist in developing the content of the child's individualized education program including information on how the child is involved in and will progress in the general curriculum (or for a preschool child to participate in appropriate activities).

Evaluation Process



Next Steps

Ensure that teachers and service providers:

- know key components of parent rights.
- review parent rights without using legal and educational jargon.
- have access to resources when meeting with non-English speaking parents.
- document parent contacts or attempts to contact parents.
- know eligibility procedures.
- can complete the eligibility report correctly.
- Know how to conduct eligibility meetings.

CASE SCENARIOS

Answers to case studies are suggestions. The eligibility team must ultimately determine eligibility in individual circumstances.

Case Scenario 1

Tommy is a 9-year-old 4th grade student at ABC Elementary. Tommy's teachers are very concerned about his reading challenges. According to the STAR reading test that was administered last month, he is reading on a 1st grade level. Tommy has been receiving Tier 3 interventions using SRA Corrective Reading 4 days a week for 30 minutes. Progress monitoring data indicates that Tommy has not made sufficient progress. The SST referred Tommy for a special education evaluation. The school psychologist administered two cognitive tests and two achievement tests. Parents and teachers completed the behavior rating scale. The special education teacher observed Tommy in PE for 5 minutes and reported that Tommy is doing well. The school counselor analyzed a math worksheet for the worksheet analysis section of the eligibility report.

- 1. Does the eligibility team have all the information it needs to determine eligibility?**
- 2. What other information would be helpful for the team?**

Case Scenario 1

Suggested Response

Tommy was referred for evaluation due to poor reading skills. Progress monitoring confirmed that he is not making sufficient progress in reading to close the achievement gap. It would be helpful for required observations to be conducted for at least 30 minutes during reading instruction (not PE), and for analyzed reading work samples to be included on the eligibility report (not Math). Additionally, it would be beneficial for evaluators to review Tommy's previous standardized assessment data to determine possible patterns of reading difficulties.

Case Scenario 2

Maggie is a 13-year-old 7th grade student with a history of behavior problems. Maggie is disruptive in class and frequently engages in verbal outbursts when asked to do something that she does not like to do. Maggie also gets into fight with her peers. Maggie's teachers report that she can do grade level work, but she frequently does not complete assignments. As a result, all her academic grades are low. The only class in which she is successful is music. Her music teacher reports that Maggie has no behavior problems currently has an "A" average in that class. Maggie's academic teachers are frustrated with her behavior and report that she should be tested for special education. They are convinced that she is a student with an Emotional Behavior Disorder.

Should the school take any action prior to referral for special education?

Case Scenario 2

Suggested Response

Because Maggie behaves so well in Music class teachers may want to investigate if there are reasons for her misbehavior in academic classes. Best practice would be to conduct a:

- **Functional Behavior Assessment (FBA)** to determine the function of Maggie's behaviors. Is she trying to escape or avoid difficult academic tasks?
- A positive **Behavior Intervention Plan (BIP)** with powerful reinforcers might be helpful to encourage task completion and appropriate classroom behavior.
- **Diagnostic and/or universal screeners** may reveal academic deficits that are the root cause of misbehavior.

Case Scenario 3

Rosie is a 3rd grade student at XYZ Elementary School. Rosie is 9 years old and has repeated kindergarten. Rosie's teachers are concerned about her language skills. She does not seem to understand basic instructions and is unable to follow two step directions. After consulting with the speech and language pathologist, her teachers implemented Tier 3 language interventions. Progress monitoring data did not show sufficient growth in language. The SST referred the student for a speech and language evaluation. The speech and language pathologist evaluated the student and determined Rosie to be eligible for speech and language services. The eligibility team completed all sections of the eligibility form by using teacher observation and classroom data.

- 1. Did the school follow proper evaluation procedures?**
- 2. What might be some issues with Rosie's evaluation process?**

Case Scenario 3

Suggested Response

The LEA may not have followed proper evaluation procedures. It appears that Rosie was only evaluated in the area of Speech and Language Disorders.

- For initial evaluations, the LEA must use a variety of evaluation tools and strategies to gather relevant academic, functional, and developmental information about the student, including information provided by the parents.
- The LEA should not use a single evaluator or a single procedure as the sole criterion for determining whether the child has a disability, nor for determining the appropriate educational program for the child. The evaluation should be conducted by a multidisciplinary evaluation team.

These guidelines are especially true for suspected language deficits that can impact academic, functional, and developmental growth.

Case Scenario 4

Jim is an 8th grade student at XYZ Middle School. Jim is 16 years old and has repeated 2 grades, once in 1st grade and a second time in 5th grade. Jim is at risk of failing 8th grade. Jim's Milestones test data has consistently been in the beginning learner range. Jim has been receiving Tier 3 interventions since 7th grade in reading and math. The interventions have been implemented with fidelity. Progress monitoring data indicates lack of sufficient growth. Jim was referred for a special education evaluation. Jim was administered one cognitive measure, two achievement measures, and one behavior rating scale. An adaptive scale was completed by his teacher - the parent did not return the parent rating scale. On the cognitive measure Jim's Full-Scale score was 61. His achievement scores were in the moderate to mild range. The behavior rating scale showed attention and learning problems. The adaptive scale completed by the teacher yielded a score of 59. The eligibility team met and determined Jim to be eligible for special education services as a student with a Mild Intellectual Disability. An IEP was developed and Jim began receiving services.

Did the school follow proper procedures? Justify your answer.

Case Scenario 4

Suggested Response

Proper evaluation procedures were not followed for determining an intellectual disability.

Two standardized measures of cognitive functioning and two measures of adaptive behavior (one by school personnel and one by the parent or someone in the community who knows the child) are required.

RESOURCES

[SPECIAL EDUCATION RULES](#)

[IMPLEMENTATION MANUAL](#)



Offering a holistic education to
each and every child
in our state.

www.gadoe.org

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