

**Section 2. - FULL AND INDIVIDUAL EVALUATION**  
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## Section 2. - FULL AND INDIVIDUAL EVALUATION

### I. INITIAL EVALUATIONS

#### §300.301 Initial evaluations.

- (a) **General.** The Devine Independent School District must conduct a full and individual initial evaluation, in accordance with §§300.305 and 300.306, before the initial provision of special education and related services to a child with a disability under this part.
- (b) **Request for initial evaluation.** Consistent with the consent requirements in §300.300, either a parent of a child, or the Devine Independent School District, may initiate a request for an initial evaluation to determine if the child is a child with a disability.
- (c) **Procedures for initial evaluation.** The initial evaluation--
- (1) (i) Must be conducted within 60 days of receiving parental consent for the evaluation; or  
(ii) If the State establishes a timeframe within which the evaluation must be conducted, within that timeframe; and
  - (2) Must consist of procedures--
    - (i) To determine if the child is a child with a disability under §300.8; and
    - (ii) To determine the educational needs of the child.
- (d) **Exception.** The timeframe described in paragraph (c)(1) of this section shall not apply to DISD if --
- (1) The parent of a child repeatedly fails or refuses to produce the child for the evaluation; or
  - (2) (i) A child enrolls in a school served by DISD after the relevant timeframe in paragraph (c)(1) of this section has begun, and prior to a determination by the child's previous public agency as to whether the child is a child with a disability under §300.8.  
(ii) The exception in paragraph (c)(2)(ii)(A) of this section applies only if the subsequent public agency is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent public agency agree to a specific time when the evaluation will be completed. (Authority: 20 U.S.C. 1414(a))

#### TEC §29.004. FIE Timeline.

- (a) A written report of a full individual and initial evaluation of a student for purposes of special education services shall be completed not later than the 60th calendar day following the date on which the Devine Independent School District local campus, in accordance with 20 U.S.C. Section 1414(a), as amended, receives written consent for the evaluation, signed by the student's parent or legal guardian.
- (b) The evaluation shall be conducted using procedures that are appropriate for the student's most proficient method of communication.

**§300.15 Evaluation.** Evaluation means procedures used in accordance with §§300.304 through 300.311 to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs. (Authority: 20 U.S.C. 1414(a)—(c))

#### §300.302 Screening for instructional purposes is not evaluation.

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services. (Authority: 20 U.S.C. 1414(a)(1)(E))

### II. RE-EVALUATIONS

#### §300.303 Reevaluations.

- (a) **General.** DISD must ensure that a reevaluation of each child with a disability is conducted in accordance with §§300.304 through 300.311—(found in this FIE Section)

- (1) If DISD determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or
  - (2) If the child's parent or teacher requests a reevaluation.
- (b) **Limitation.** A reevaluation conducted under paragraph (a) of this section--
- (1) May occur not more than once a year, unless the parent and DISD agree otherwise; and
  - (2) Must occur at least once every 3 years, unless the parent and DISD agree that a reevaluation is unnecessary. (Authority: 20 U.S.C. 1414(a)(2))

### **III. EVALUATION PROCEDURES**

#### **§300.304 Evaluation procedures.**

- (a) **Notice.** DISD will provide notice to the parents of a child with a disability, in accordance with §300.503, that describes any evaluation procedures DISD proposes to conduct. (*see Section 7 for Notice and Consent*)
- (b) **Conduct of evaluation.** In conducting the evaluation, DISD will --
- (1) Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent, that may assist in determining--
    - (i) Whether the child is a child with a disability under §300.8; and
    - (ii) The content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities);
  - (2) Not use any single procedure as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child; and
  - (3) Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
- (c) **Other evaluation procedures.** The Devine Independent School District must ensure that--
- (1) Assessments and other evaluation materials used to assess a child under this part--
    - (i) Are selected and administered so as not to be discriminatory on a racial or cultural basis;
    - (ii) 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;
    - (iii) Are used for the purposes for which the assessments or measures are valid and reliable;
    - (iv) Are administered by trained and knowledgeable personnel; and
    - (v) Are administered in accordance with any instructions provided by the producer of the assessments.
  - (2) Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.
  - (3) Assessments are selected and administered so as best to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).
  - (4) The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;
  - (5) Assessments of children with disabilities who transfer from one public agency to another public agency in the same academic year are coordinated with those children's prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of full evaluations.

- (6) In evaluating each child with a disability under §§300.304 through 300.306, the evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.
- (7) Assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided. (Authority: 20 U.S.C. 1414(b)(1)-(3), 1412(a)(6)(B))

#### **IV. REVIEW OF EXISTING EVALUATION DATA (REED)**

##### **§300.305 Additional requirements for evaluations and reevaluations.**

- (a) **Review of existing evaluation data.** As part of an initial evaluation (if appropriate) and as part of any reevaluation under this part, the IEP Team and other qualified professionals, as appropriate, must--
  - (1) **Review existing evaluation data on the child, including—**
    - (i) Evaluations and information provided by the parents of the child;
    - (ii) Current classroom-based local or State assessments, and classroom-based observations; and
    - (iii) Observations by teachers and related services providers; and
  - (2) **On the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine--**
    - (i) (A) Whether the child is a child with a disability, as defined in §300.8, and the educational needs of the child; or
      - (B) In case of a reevaluation of a child, whether the child continues to have such a disability, and the educational needs of the child;
    - (ii) The present levels of academic achievement and related developmental needs of the child;
    - (iii) (A) Whether the child needs special education and related services; or
      - (B) In the case of a reevaluation of a child, whether the child continues to need special education and related services; and
    - (iv) Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general education curriculum.
- (b) **Conduct of review.** The group described in paragraph (a) of this section may conduct its review without a meeting.
- (c) **Source of data.** DISD must administer such assessments and other evaluation measures as may be needed to produce the data identified under paragraph (a) of this section.
- (d) **Requirements if additional data are not needed.**
  - (1) If the IEP Team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the child continues to be a child with a disability, and to determine the child's educational needs, DISD must notify the child's parents of—
    - (i) That determination and the reasons for the determination; and
    - (ii) The right of the parents 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.
  - (2) DISD is not required to conduct the assessment described in paragraph (d)(1)(ii) of this section unless requested to do so by the child's parents.
- (e) **Evaluations before change in placement.**
  - (1) Except as provided in paragraph (e)(2) of this section, DISD must evaluate a child with a disability in accordance with §§300.304 through 300.311 before determining that the child is no longer a child with a disability.
  - (2) The evaluation described in paragraph (e)(1) of this section is not required before the termination of a child's eligibility under this part due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for FAPE under State law.
  - (3) For a child whose eligibility terminates under circumstances described in paragraph (e)(2) of this section, DISD 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 postsecondary goals. (Authority: 20 U.S.C. 1414(c))

## **V. DETERMINATION OF ELIGIBILITY AND PLACEMENT**

### **§300.306 Determination of eligibility.**

- (a) **General.** Upon completion of the administration of assessments and other evaluation measures-
- (1) A group of qualified professionals and the parent of the child determines whether the child is a child with a disability, as defined in §300.8, in accordance with paragraph (b) of this section and the educational needs of the child; and
  - (2) The Devine Independent School District provides a copy of the evaluation report and the documentation of determination of eligibility to the parent.
- (b) **Special rule for eligibility determination.** A child must not be determined to be a child with a disability under this part--
- (1) If the determinant factor for that determination is--
    - (i) Lack of appropriate instruction in reading, including the essential components of reading instruction (as defined in section 1208(3) of the ESEA); *see below*
    - (ii) Lack of instruction in math; or
    - (iii) Limited English proficiency; and
  - (2) If the child does not otherwise meet the eligibility criteria under §300.8(a).
- (c) **Procedures for determining eligibility and placement.**
- (1) In interpreting evaluation data for the purpose of determining if a child is a child with a disability under §300.8, and the educational needs of the child, DISD must--
    - (i) Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior; and
    - (ii) Ensure that information obtained from all of these sources is documented and carefully considered.
  - (2) If a determination is made that a child has a disability and needs special education and related services, an IEP must be developed for the child in accordance with §§300.320 through 300.324. (Authority: 20 U.S.C. 1414(b)(4) and (5))

**§300.306(b)(1)** referring to section 1208 of NCLB are the Reading components meaning explicit and systematic instruction in

- (A. phonemic awareness;
- (B. phonics;
- (C. vocabulary development;
- (D. reading fluency, including oral reading skills; and
- (E. reading comprehension strategies.

Following the required timelines, the ARD Committee will meet to review the FIE and determine if the child is a child with a disability and if there is an educational need in order for the student to be eligible for special education services.

## **VI. ADDITIONAL PROCEDURES FOR SPECIFIC LEARNING DISABILITIES**

### **A. Specific Learning Disabilities - General / Criteria**

#### **§300.307 Specific learning disabilities.**

- (a) **General.** A State must adopt, consistent with §300.309, criteria for determining whether a child has a specific learning disability as defined in §300.8. In addition, the criteria adopted by the State--

- (1) May prohibit the use of a severe discrepancy between intellectual ability and achievement for determining whether a child has a specific learning disability as defined in §300.8;
  - (2) May not require the use of a severe discrepancy between intellectual ability and achievement for determining whether a child has a specific learning disability as defined in §300.8;
  - (3) Must permit the use of a process that determines if the child responds to scientific, research-based intervention as part of the evaluation procedures described in §300.304; and
  - (4) May permit the use of other alternative research-based procedures for determining whether a child has a specific learning disability as defined in §300.8.
- (b) Consistency with State criteria. A public agency must use the State criteria adopted pursuant to paragraph (a) of this section in determining whether a child has a specific learning disability. (Authority: 20 U.S.C. 1221e-3; 1401(30); 1414(b)(6))

*DISD will continue to follow the current TEA discrepancy model until further notice. DISD has the discretion to use the Method II strategies for determining a Specific Learning Disability exists. Further detail is found in Section 3 – Disability Criteria.*

## **B. Multidisciplinary Team Members**

### **§300.308 Group members.**

The determination of whether a child suspected of having a specific learning disability is a child with a disability, as defined in §300.8, is made by the child's parents and the group described under §300.306(a)(1) that--

- (a) Is collectively qualified to--
  - (1) Conduct, as appropriate, individual diagnostic assessments in the areas of speech and language, academic achievement, intellectual development, and social-emotional development;
  - (2) Interpret assessment and intervention data, and apply critical analysis to those data;
  - (3) Develop appropriate educational and transitional recommendations based on the assessment data; and
  - (4) Deliver, and monitor specifically designed instruction and services to meet the needs of a child with a specific learning disability; and
- (b) Includes --
  - (1) A special education teacher;
  - (2) (i) The child's general education teacher; or
    - (ii) If the child does not have a general education teacher, a general education teacher qualified to teach a child of the child's age; and
- (c) Other professionals, if appropriate, such as a school psychologist, reading teacher, or educational therapist. (Authority: 20 U.S.C. 1221e-3; 1401(30); 1414(b)(6))

*The qualified group of individuals (including the parent) will meet as an ARD Committee to review the FIE and determine if the child is a child with a disability and if there is an educational need in order for the student to be eligible for special education services.*

## **C. Determining Existence of SLD**

### **§300.309 Determining the existence of a specific learning disability.**

- (a) The group described in §300.308 may determine that a child has a specific learning disability if-
  - (1) The child does not achieve commensurate with the child's age in one or more of the following areas, when provided with learning experiences appropriate for the child's age:
    - (i) Oral expression.
    - (ii) Listening comprehension.
    - (iii) Written expression.
    - (iv) Basic reading skill.
    - (v) Reading fluency skills.
    - (vi) Reading comprehension.
    - (vii) Mathematics calculation.

- (viii) Mathematics problem solving.
- (2) (i) The child fails to achieve a rate of learning to make sufficient progress to meet State-approved results in one or more of the areas identified in paragraph (a)(1) of this section when assessed with a response to scientific, research-based intervention process; or
- (ii) The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, or a pattern of strengths and weaknesses in performance, achievement, or both, relative to intellectual development, that is determined by the team to be relevant to the identification of a specific learning disability, using appropriate assessments consistent with §§300.304 and 300.305; and
- (3) The group determines that its findings under paragraph (a)(1) and (2) of this section are not primarily the result of--
  - (i) A visual, hearing, or motor disability;
  - (ii) Mental retardation;
  - (iii) Emotional disturbance;
  - (iv) Cultural factors; or
  - (v) Environmental or economic disadvantage.
- (b) For a child suspected of having a specific learning disability, the group must consider, as part of the evaluation described in §§300.304 through 300.306, data that demonstrates that--
  - (1) Prior to, or as a part of the referral process, the child was provided appropriate high-quality, research-based instruction in regular education settings, consistent with section 1111(b)(8)(D) and (E) of the ESEA, including that the instruction was delivered by qualified personnel; and
  - (2) Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, was provided to the child's parents.
- (c) If the child has not made adequate progress after an appropriate period of time, during which the conditions in paragraphs (b)(1) and (2) of this section have been implemented, a referral for an evaluation to determine if the child needs special education and related services must be made.
- (d) Once the child is referred for an evaluation to determine if the child needs special education and related services, the timelines described in §§300.301 and 300.303 must be adhered to, unless extended by mutual written agreement of the child's parents and a group of qualified professionals, as described in §300.308. (Authority: 20 U.S.C. 1221e-3; 1401(30); 1414(b)(6))

#### **D. Observation**

##### **§300.310 Observation.**

- (a) At least one member of the group described in §300.308, other than the child's current teacher, who is trained in observation, shall observe the child, and the learning environment, including the regular classroom setting, to document academic performance and behavior in the areas of difficulty.
- (b) In the case of a child of less than school age or out of school, a group member must observe the child in an environment appropriate for a child of that age. (Authority: 20 U.S.C. 1221e-3; 1401(30); 1414(b)(6))

#### **E. Written Report**

##### **§300.311 Written report.**

- (a) For a child suspected of having a specific learning disability, the evaluation report and the documentation of the determination of eligibility, as required by §300.306(a)(2), must include a statement of--
  - (1) Whether the child has a specific learning disability;
  - (2) The basis for making the determination, including an assurance that the determination has been made in accordance with §300.306(c)(1);
  - (3) The relevant behavior, if any, noted during the observation of the child and the relationship of that behavior to the child's academic functioning;
  - (4) The educationally relevant medical findings, if any;
  - (5) Whether the child does not achieve commensurate with the child's age;
  - (6) Whether there are strengths and weaknesses in performance or achievement or both, or there are strengths and weaknesses in performance or achievement, or both, relative to intellectual

- development in one or more of the areas described in §300.309(a) that require special education and related services; and
- (7) The instructional strategies used and the student-centered data collected in a response to scientific, research-based intervention process, as described in §300.309 was implemented.
- (b) Each group member shall certify in writing whether the report reflects his or her conclusion. If it does not reflect his or her conclusion, the group member must submit a separate statement presenting his or her conclusions. (Authority: 20 U.S.C. 1221e-3; 1401(30); 1414(b)(6))

## **VII. WRITTEN EVALUATION REPORTS (including Related Service Reports)**

*A written evaluation report for any disability or eligibility for related services will include all of the requirements listed above in §300.311 Written Report (a – b). In addition, specific requirements for each specific disability category found in Section 3-Disability Criteria will also be documented in the written evaluation report.*

## **VIII. EVALUATION OF LANGUAGE, PHYSICAL, SOCIOLOGICAL, AND OTHER CONDITIONS.**

### *A. Language Dominance*

*The evaluation team will first determine the student's dominant language most proficient method of communication (expressively and receptively). The student's dominant language is the language in which the student is most proficient. This determination may be made by formal or informal evaluation. Evaluation instruments must be administered in the student's dominant language (native language or other mode of communication unless it is clearly not feasible to do so). If the primary language of the home is not English, the student will be evaluated in his/her dominant language. Documentation will be Oral Language Proficiency scores, the LPAC report or a description of procedures used to ensure the student was evaluated in his/her dominant language when the examiner is not proficient in that language. Where no bilingual examiner is available, an interpreter may be used. Interpreters will be adequately trained.*

### *B. Language Proficiency*

*The evaluation team must determine the student's most proficient method of communication. The language proficiency information must indicate the student's skill in understanding and using both receptive and expressive domains, such as oral and written language, reading comprehension, and listening comprehension, when appropriate. Proficiency in both English and the other language(s) must be addressed for Limited English Proficient (LEP) students.*

### **TAC §89.1230. Eligible Students with Disabilities.** *(language proficiency)*

- (a) DISD will implement assessment procedures which differentiate between language proficiency and handicapping conditions in accordance with Subchapter AA of this chapter (relating to Special Education Services), and will establish placement procedures which ensure that placement in a bilingual education or English as a second language program is not refused solely because the student has a disability.

### *C. Physical*

*The evaluation of an individual's physical factors (including health, vision, hearing, and psycho-motor abilities) must consist of an examination of physical conditions that directly affect the student's*

*ability to profit from the educational process. A general medical examination will be required only when specified by eligibility criteria or when abnormal physical factors have been identified as part of the evaluation of physical factors. The health information collected during the referral process will be sufficient if a complete medical examination is not required by specific eligibility criteria and if there are no indications of need for further physical evaluation.*

*D. Emotional/Behavioral*

*The evaluation of an individual's emotional and behavioral factors will consist of formally or informally identifying those characteristics manifested in in-school or out-of-school behavior, or both, which may influence learning. The evaluation will include behaviors relative to the disability that may affect educational placement, programming, or discipline. Adaptive behavior of all students must be considered to some degree, formal measures are required only when establishing a diagnosis of mental retardation.*

*E. Sociological*

*The evaluation of an individual's sociological variables must consist of identifying the child's family and community environmental situation influencing learning and behavioral patterns. Students will not be eligible for special education if the only deficiencies identified are directly attributable to a different cultural lifestyle or to their not having had educational opportunities.*

*F. Intellectual*

*The evaluation of an individual's intellectual functioning must include an evaluation of verbal ability or performance or both. Intellectual functioning should be the last factor assessed, since the student's performance in this area should be analyzed and interpreted in light of all the other data. While the adaptive behavior of all students must be considered to some degree, formal measures of adaptive behavior will be required only when a student is being assessed for mental retardation. Intelligence must always be addressed. An informal evaluation of intelligence may be used to determine intellectual functioning as a part of eligibility for:*

- 1. visual impairment,*
- 2. orthopedic impairment, other health impairment*
- 3. deaf-blindness,*
- 4. speech impairment (if SI only).*

*Some examples of informal evaluation include: group administered tests, achievement test results, teacher observations, adaptive behavior, grades, etc.*

**IX. EVALUATION OF LEARNING COMPETENCIES (Academic Achievement and Functional Performance)**

*See also Section IV. previously for §300.305. Additional requirements for evaluations and reevaluations.*

*The evaluation will include:*

- A. criterion-referenced or curriculum-referenced assessments designed to aid in the development of the student's IEP; (include any district wide and state testing, benchmarks, etc.)*
- B. information about the student's strengths and weaknesses; and*
- C. the specific modifications of instructional content, accommodations, methods and/or materials required by the student to achieve and maintain satisfactory progress, including those that can only*

*be provided through special education services, and those adaptations necessary for the student's progress in general classes and other special and compensatory education programs.*

## **X. ASSISTIVE TECHNOLOGY DEVICES AND SERVICES**

**§300.5 Assistive technology device.** Assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted, or the replacement of that device.  
(Authority: 20 U.S.C. 1401(1))

**§300.6 Assistive technology service.** Assistive technology service means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. The term includes-

- (a) The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;
- (b) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;
- (c) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
- (d) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
- (e) Training or technical assistance for a child with a disability or, if appropriate, that child's family; and
- (f) Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of that child.

(Authority: 20 U.S.C. 1401(2))

### **§300.105 Assistive technology; proper functioning of hearing aids.**

- (a) (1) DISD must ensure that assistive technology devices or assistive technology services, or both, as those terms are defined in §§300.5 and 300.6, respectively, are made available to a child with a disability if required as a part of the child's--
  - (i) Special education under §300.36;
  - (ii) Related services under §300.34; or
  - (iii) Supplementary aids and services under §§300.38 and 300.114(a)(2)(ii).
- (2) On a case-by-case basis, the use of school-purchased assistive technology devices in a child's home or in other settings is required if the child's IEP Team determines that the child needs access to those devices in order to receive FAPE.
- (b) DISD must ensure that hearing aids worn in school by children with hearing impairments, including deafness, are functioning properly. (Authority: 20 U.S.C. 1412(a)(1), 1412(a)(12)(B)(i))

*Each student assessed for determination of a disability will be assessed for assistive technology needs.*

## **XI. SPECIAL PROVISIONS**

*Any area assessed below requires pre-planning and review of existing evaluation data by the student's ARD/IEP Committee or the request may have come from the initial referral.*

### **A. Adapted Physical Education**

*Adapted physical education evaluations will be administered by appropriately trained physical education or special education personnel. A written report should be completed to address the*

*student's physical strengths and weaknesses and recommendations for specific services to be considered by the ARD/IEP committee. (see also Instructional Arrangements Section 5)*

## **B. Atlantoaxial Dislocation Condition**

*Students identified as having Down's Syndrome are at-risk for having a condition of the neck that necessitates restriction of physical education activities. This condition is called Atlantoaxial Dislocation Condition (ADC) or Atlantoaxial Instability. In order to determine the presence or absence of this condition, x-rays are required beginning at approximately three years of age or as soon as students enroll. Diagnosticians will notify parents of the need for medical release.*

## **C. Attention Deficit Disorder (ADD-ADHD) see also Section 3 – Disability Criteria for OHI**

*Remember when conferencing with parent:*

- 1. discuss the educational needs with parent and possible strategies;*
- 2. discuss possible need for further evaluation*
- 3. discuss other information the manner in which testing would be conducted (time lines, outcomes).*
- 4. the OHI Disability Report for the physician is not to be provided to the parent by the general education staff.*

*After the referral is made:*

- 1. appropriate evaluation measures will be administered,*
- 2. Multidisciplinary Team (referring teacher, special education teacher and diagnostician) will meet to determine if student meets criteria as a student with a Learning Disability (LD). If the student qualifies as LD, academic and behavior needs will be addressed at the ARD/IEP meeting. If the student does not qualify as LD, but appears to have an educational need and data indicates a possibility of ADD, the team may recommend that the Other Health Impaired (OHI) eligibility be pursued.*

*If OHI pursued:*

- 1. disability forms must be completed by a medical doctor.*
- 2. the medical forms are for diagnosis only - we do not pursue medication;*
- 3. if the parent has a doctor who knows the child and would be willing (knowledgeable) to fill out forms, that avenue may be pursued.*
- 4. the medical doctor is just one member of the multidisciplinary team*

***Caution:*** *Remember that a student may be diagnosed by a physician as having ADD or ADHD but the student may not necessarily have an education need for special education services. Needs of some students may be addressed by the local campus Section 504 committee or classroom strategies. If you have any questions, please review with your DISD campus personnel or call DISD special education office.*

## **D. Auditory Impairment**

*When considering students who have auditory impairments, a professional certified in the education of students with auditory impairments will be assigned to assist in:*

- 1. determining appropriate areas of evaluation;*
- 2. developing or determining appropriate evaluation techniques;*
- 3. conducting evaluations when appropriate; and*
- 4. interpreting data to ensure consideration and understanding of the educational, psychological, and social implications of the disability.*

*Birth – 2 years or Deaf-Blind:*

*When considering students from birth through age two that have auditory impairments, or students who are deaf-blind, a teacher of infants who have auditory impairments or a teacher of students who are deaf-blind, as appropriate, may perform the evaluation specified above.*

#### **E. Autism**

*The team of professionals that complete the evaluation process for autism will include a psychologist or LSSP, a speech/language pathologist, a diagnostician, and any other professional appropriate. The parent is also a critical member of the team.*

#### **F. Evaluation of Very Young or Students with Severe Disabilities**

*If the evaluation team cannot test these students in accordance with the guidelines listed under the individual evaluation section of this procedure manual, the team must document the rationale for deviating from the standard procedure, as well as, state modifications used and present the results of the evaluation. The written report will specify the nature and extent of the disability. The educational evaluation of such a student may be limited to competency based or criterion referenced measures. Outside evaluations will also be considered.*

#### **G. Functional Behavioral Assessment**

*Functional Behavioral Assessment is completed when a student's behavior gets in the way of educational progress for the student or other students in the classroom. Include the general education teacher in gathering the information below in order to develop the BIP:*

- 1. target the specific behavior that is impeding learning by clearly defining and describing the observable behavior(s).*
- 2. obtain information from a variety of sources including but not limited to: discussions, interviews, records, and direct observation. Also use any standardized instruments if available. Determine duration, frequency, and intensity of any patterns of behavior.*
- 3. identify and describe any antecedents - events that logically serve as the stimulus for the behavior.*
- 4. identify and describe any consequences - this is the action that is following and causes the student to maintain specific behavior - determine effectiveness of each.*
- 5. determine the purpose of the student's behavior - usually to get something, avoid or escape something, or to control the antecedent event.*
- 6. describe the relationship of the behavior to the event and provide possible variables that can be changed in the setting or the situation.*
- 7. develop the behavioral intervention plan (BIP). Teach alternatives to the behavior and include positive reinforcement along with consequences.*
- 8. consistently implement, allow enough time for the BIP to work, and then review as needed.*

#### **H. Homebound or Hospitalized**

*All students referred for consideration as homebound or hospital need evaluation information that describes the student's functioning in the following areas: health, vision, hearing, social emotional status, general intelligence, academic performance, communication, and motor abilities so the ARD/IEP committee can determine eligibility for special education.*

*For homebound or hospitalized students who have no prior history of a disability or need for special education, the information collected at the time of referral, including the appropriate medical information, such as group administered achievement and cognitive ability scores, class data, and grades may be sufficient for the ARD/IEP committee to make a decision. The ARD/IEP committee may ask for additional information if necessary for its deliberations.*

*Eligibility must be established prior to initiating any special education services. The ARD/IEP committee may determine that referral information is sufficient and that no further evaluation is needed.*

## **I. Limited English Proficient**

*(See also Home Language Survey and LPAC in this Referral Section)*

1. *For all LEP (Limited English Proficient) Students:*
  - A. *The LPAC report, which must have been completed within the past year, must be included with the referral packet. The student should have been tested in English and Spanish.*
  - B. *If this is a new referral, information will include: Initial referral information, LPAC report, LAS scores or equivalent test, amount of time in ESL, Home Language Survey copy.*
  - C. *If you have planned a reevaluation, this information must be included.*
2. *Speech only referral:*
  - A. *(LANGUAGE) The language proficiency assessment (ex. LAS, IDEA) should be considered with regard to the following:*
    - i. *If the student is proficient in English and has a lower proficiency in Spanish, the normal procedures for the speech pathologist evaluations are followed.*
    - ii. *If the student is proficient in Spanish and not in English, typically this would not be an appropriate referral. The speech pathologist will write the evaluation report (using information from the cumulative folder) and proceed to ARD.*
    - iii. *If the student is barely proficient in both languages, consult with the Coordinator or Director of DISD before proceeding.*
    - iv. *If the student is proficient in both languages, normal procedures in English may be followed.*
  - B. *(ARTICULATION) The articulation evaluation should be considered with regard to the following: If the student is misarticulating sounds that are different or not present in Spanish but are in English, therapy would not be appropriate.*
3. *Other Referrals (LD, MR, etc.):*
  - A. *The language evaluation (ex. LAS, IDEA) should be considered with regard to the following:*
    - i. *If the student is proficient in English and lower in Spanish, the usual procedures for testing are followed.*
    - ii. *If the student is proficient in Spanish and not in English, typically this will be an inappropriate referral for a Learning Disability. This type of profile is usually an indication that the child needs more time to learn English. The diagnostician will write the FIE or full and individual evaluation report (using information from the cumulative folder) and proceed to ARD. If the student is to be considered for a physical, mental or emotional disability, proceed with caution.*
    - iii. *If the student is barely proficient in both languages, consult with the Coordinator or Director of DISD before proceeding.*
    - iv. *If the student is above proficient in both languages, normal procedures in English may be followed.*
  - B. *If the student is not proficient in either language, a bilingual assessment should be requested. Consideration should be given to the following:*

- i. *Students who have been in English speaking schools for less than two years should be given careful consideration relative to referral.*
- ii. *If the student has received English instruction for two or more years and there is no evidence of previous academic instruction in Spanish or another language, the LPAC may recommend testing in English or use of an interpreter.*

#### **J. Speech Impairment**

*For students referred for speech/language suspected disability, the evaluation will be performed and documented by a certified speech and language pathologist, certified speech and hearing therapist, or a licensed speech/language pathologist. All of the areas including evaluation of physical, mental, and emotional conditions and learning competencies will be addressed in the evaluation; however, the depth of the evaluation to be performed for each area is identified in our Speech Therapy Guidelines. The written report of evaluation will include the level of severity of the impairment as determined by our Speech Therapy Guidelines and will state how the communication disorder affects the student's performance in the classroom resulting in an educational need for speech therapy services.*

#### **K. Visual Impairment**

*When considering students who have visual impairments, a professional certified in the education of students with visual impairments will be assigned to assist in:*

1. *determining appropriate areas of evaluation;*
2. *developing or determining appropriate evaluation techniques;*
3. *conducting evaluations when appropriate; and*
4. *interpreting data to ensure consideration and understanding of the educational, psychological, and social implications of the disability; and*
5. *collecting appropriate medical documentation.*

*When considering students from birth through age two that have visual impairments, or students who are deaf-blind, a teacher of infants who have visual impairments or a teacher of students who are deaf-blind, as appropriate, may perform the evaluation specified above.*

#### **L. Vocational Evaluation**

*Special education will collect vocational evaluation data when appropriate. As the ARD/IEP committee begins discussion and planning for entry into the high school curriculum and discusses the graduation plan of the student, vocational evaluation may be determined appropriate. (For information on the Vocational Adjustment Coordination Program see Instructional Arrangements Section.)*

1. *The ARD/IEP committee may recommend vocational evaluation when:*
  - A. *the student has no specific identified skills which are determined necessary for employment,*  
*or*
  - B. *the student has no idea of vocational opportunities or careers of any interest.*
2. *Based on ARD/IEP committee recommendation, occupational preparation needs may be reviewed and may include the following:*
  - A. *the Full and Individual Evaluation;*
  - B. *the current IEP;*
  - C. *information about past school performance;*
  - D. *work training history; and*
  - E. *interviews with student, parent, and teacher(s). The interviews include attitudes, work habits, behaviors, job readiness, work-related skills, and post-school expectations.*

3. *The assigned special education teacher will explain to parents the purpose of the vocational review. Results of the vocational evaluation may be discussed with the student prior to being filed in the student's special education folder. The results will also be discussed at the annual ARD/IEP committee meeting.*
4. *If the review of the records in #2. above indicates, a vocational interest and aptitude evaluation may be recommended by the ARD/IEP committee. The special education teacher and/or speech pathologist are responsible for sending the Notice and Consent for a Full and Individual Evaluation to the parent prior to the evaluation. Evaluation will begin no earlier than five school days after notification in accordance with DISD guidelines.*
5. *For students with disabilities whose initial vocational evaluation, does not yield measurable results or sufficient information for planning appropriate occupational preparation, additional vocational evaluation may be required such as: review of work samples, situational evaluations, and work behaviors analysis. Observation, training sites, or other instructional programs and settings may be used to provide part of this data.*
6. *Situational assessment of students placed in campus-based and community-based job-training options as a part of the student's educational program will be conducted by special education instruction staff on an ongoing basis. Reports will be filed in the teacher's student folder and reviewed at each annual ARD/IEP meeting.*

*Functional Vocational Evaluation.*

*The ARD/IEP committee will consider any recommendations as a result of Transition Planning. Transition services means a coordinated set of activities for a student with a disability that includes if appropriate a functional vocational evaluation. If the ARD/IEP committee recommends this, a qualified professional will conduct the evaluation.*

1. *The evaluation will include but not be limited to: observation in vocational settings, interview with teacher and parents, and other evaluations as appropriate.*
2. *Results of the evaluation including strengths and weaknesses will be addressed in a written report maintained in the eligibility file.*

**XV. APPRAISAL PERSONNEL** (see also *Personnel in Section 8-Administration*)

**§300.156 Personnel qualifications.**

- (a) **General.** The SEA must establish and maintain qualifications to ensure that personnel necessary to carry out the purposes of this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities.
- (b) **Related services personnel and paraprofessionals.** The qualifications under paragraph (a) of this section must include qualifications for related services personnel and paraprofessionals that--
  - (1) Are consistent with any State-approved or State-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services; and
  - (2) Ensure that related services personnel who deliver services in their discipline or profession--
    - (i) Meet the requirements of paragraph (b)(1) of this section; and
    - (ii) Have not had certification or licensure requirements waived on an emergency, temporary, or provisional basis; and
    - (iii) Allow paraprofessionals and assistants who are appropriately trained and supervised, in accordance with State law, regulation, or written policy, in meeting the requirements of this part to be used to assist in the provision of special education and related services under this part to children with disabilities.

*Appraisal personnel will review referral data, determine suspected disability, and route the referral to the appropriate special education evaluation staff. Professionals will be assigned to conduct evaluations*

only in the areas for which they have been trained. DISD appraisal personnel and their responsibilities include:

a. Adapted P.E. teacher or Regional Education Service Center Consultant:

1. administers screening/evaluation for possible adapted physical education services, and
2. completes a written report with recommendations.

b. Auditory Impairments (AI):

Evaluation and services for students with auditory impairments will be provided by appropriately qualified personnel. Personnel from the Regional Day School for the Deaf or other appropriate personnel may be used as needed.

c. Educational Diagnostician:

1. administers intellectual and academic/developmental evaluations;
2. administers evaluations of learning competencies for initial evaluations and re-evaluations;
3. participates on multidisciplinary team evaluations for autistic, learning disabled, and multiple disabilities referrals;
4. assists in evaluation of vocational skills and needs;
5. may serve on the DTAT or 504 Committee on assigned campus; and
6. interprets evaluation data orally and in a written report to the ARD/IEP committee.

d. Licensed Specialist in School Psychology (LSSP):

1. administers psychological screenings and evaluations;
2. participates on multidisciplinary team evaluations for autistic referrals;
3. develops behavior management plans and consults with staff as needed;
4. participates on ARD/IEP committee as appropriate; and
5. may serve on DTAT or 504 Committee on assigned campus, as appropriate.

e. Occupational Therapist/Physical Therapist:

1. administers screening and evaluation for possible OT/PT services, and
2. assures annual medical release is obtained for continuation of services.

f. Psychologist:

1. administers psychological screenings and evaluations;
2. participates on multidisciplinary team evaluations for autistic referrals;
3. develops behavior intervention plans and consults with staff as needed;
4. participates on ARD/IEP committee as needed; and
5. may serve on DTAT or 504 Committee on assigned campus, as appropriate.

g. Special Education Teachers:

Annually assess student competencies for updating the student's IEP. This will include the review of the TAKS, SDAA-II, or LDAA. Consideration of any benchmark tests will be used as well. This could also be an informal criterion/curriculum based evaluation such as the CLASS assessment, Brigance, etc. Information for the three year re-evaluation will be provided to the diagnostician and / or ARD/IEP committee for inclusion in the written eligibility report.

h. Speech/Language Pathologist:

1. administers evaluations for all speech impaired referrals;
2. screens or evaluates referrals for oral expression and listening comprehension upon request of educational diagnostician;
3. screens referrals as appropriate upon request;

4. *participates on the multidisciplinary team evaluations for autistic referrals when appropriate;*  
*and*
  5. *may serve on the DTAT or 504 Committee on assigned campus.*
- i. *Visual Impairments (VI):*  
*Evaluations and services for students with visual impairments will be conducted by appropriately qualified school personnel, or other appropriate agency personnel such as the Regional Education Service Center consultants.*