

**A SPECIAL EDUCATION GUIDE**

**FOR**

**REFERRAL,**

**EVALUATION,**

**AND**

**ELIGIBILITY DETERMINATION**

In order for a child to be eligible for special education or special education and related services, the school district must ensure that the following procedures are followed:

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CORNBELT EDUCATIONAL COOPERATIVE

## SPECIAL EDUCATION REFERRAL PROCEDURES

*Referral:* A referral is a *written request*, which brings a student to the attention of a school district administrator (building principal, superintendent, or special education director) as a child who may be in need of special education services.

### REFERRAL ✓ CHECKLIST

- \_\_\_ 1. Ensure that prior to a special education referral, the classroom teacher or general education teacher submits a completed **Student At-Risk Referral** form to the district's assistance team for recommendation(s) and Teacher Assistance Team (TAT) meetings were conducted to evaluate the interventions implemented.  
  
\*\* The parents/guardian have the right to proceed directly to a special education referral and forego the district's TAT process.
- \_\_\_ 2. Ensure that all referrals are documented in *writing* and submitted to the administrator. When a referral is made verbally by the parents/guardian, the special education teacher or administrator must also complete a **Referral for a Special Education Evaluation** form.
- \_\_\_ 3. Ensure that upon receipt of the **Referral for a Special Education Evaluation** form, the district administrator inserts the date the district received the referral on the bottom of the form.
- \_\_\_ 4. Ensure that the district administrator conducts an informal review with the person making the referral, the child's parents or guardian, and other qualified individuals. If parents/guardians are making the referral, ask them to identify the area(s) of concern they wish to be included in the evaluation. Review the child's educational records and any data reflecting the child's academic, behavioral, or social performance.
- \_\_\_ 5. Ensure that after the informal review, the administrator notifies the parents or guardians of the district's decision to either proceed with an evaluation or that no evaluation is necessary. (See the Evaluation Decision Table below).

## EVALUATION DECISION TABLE $\surd$ CHECKLIST

<b><u>NO</u>: If the decision is made that <u>NO</u> evaluation is necessary, complete the following:</b>	<b><u>YES</u>: If the decision is made that an evaluation <u>IS</u> necessary, complete the following:</b>
<p>___ 1. The district administrator notifies the parents or guardian either in person or by telephone of the district's decision for declining to evaluate the child.</p> <p>___ 2. The district administrator completes an <b><u>Parental Prior Written Notice</u></b> form describing the reasons why the district is declining to evaluate the child.</p> <p>___ 3. The district administrator mails the completed <b><u>Parental Prior Written Notice</u></b> form to the parents or guardian.</p> <p>___ 4. The parents or guardian shall also be informed of their due process rights by sending them a copy of the <b><u>Parental Rights Brochure</u></b>.</p>	<p>___ 1. The district administrator or special education teacher contacts the parent or guardian in writing, via phone, or in person, indicating that the school district will be seeking their permission to conduct an evaluation.</p> <p>___ 2. The district administrator or special education teacher mails to the parents or guardian the following:</p> <ul style="list-style-type: none"> <li>- A completed <b><u>Parental Prior Written Notice - Consent for Evaluation/Re-Evaluation</u></b> form.</li> <li>- A <b><u>Parental Rights Brochure</u></b> for initial evaluations. Parental/Guardian rights must be given to parents/guardian one time per year, except that a copy must also be given to parents/guardians:               <ul style="list-style-type: none"> <li>a. Upon initial referral or parental request for evaluation</li> <li>b. Upon request by the parents or guardian</li> <li>c. Upon the first occurrence of the filing of a request for a due process hearing.</li> </ul> </li> </ul> <p>___ 3. For a psychological evaluation the district administrator or special education teacher must mail to the parents/guardian the following forms:</p> <ul style="list-style-type: none"> <li>- A <b><u>Psychological Evaluation Cover Letter</u></b> explaining the psychological evaluation process;</li> <li>- A <b><u>Parental/Guardian Input for Evaluation</u></b> form; and</li> <li>- Other forms as recommended by school psychologists.</li> <li>- A <b><u>Parental/Guardian Input for Evaluation</u></b> form; and</li> <li>- Other forms as recommended by school psychologists (i.e., BASC-2, Conners-3, ABAS-II, etc).</li> </ul> <p>___ 4. The parents/guardian shall be notified that they must return the completed/signed forms listed in steps 2 and 3 to the school district.</p>

## EVALUATION PROCEDURES

### THREE (3) TYPES OF EVALUATIONS

#### INITIAL EVALUATION TO DETERMINE ELIGIBILITY

- Before any action is taken concerning the *initial placement* of a child with disabilities in a special education program, a full and individual evaluation of the child's educational needs *must be* conducted. The district is required to obtain informed *written consent* from the parents or guardian of the child before conducting the evaluation. The district shall document reasonable attempts for consent on the **Parental Prior Written Notice - Consent for Evaluation/Re-Evaluation** form. If signed parental consent is not obtained the evaluation shall not be conducted. The district may, but is not required to, pursue parental consent for the initial evaluation of the child by using the procedural safeguards.

#### RE-EVALUATION to DETERMINE CONTINUED ELIGIBILITY

- Re-evaluations shall be conducted at least *every three years*, or sooner if conditions warrant, or if the child's parent/guardian or teacher requests an evaluation.

If the district determines that *no* additional data is needed to determine continuing eligibility, the district shall notify the parents/guardian of that determination and the reasons. The **Notice of Agreement That a Three-year-reevaluation is Not Needed** form must be completed, signed by the district administrator and mailed to the parents/guardian. The district shall also notify the parents/guardian of their right to request an evaluation for the determination of continued eligibility for special education services.

#### DISMISSAL EVALUATION for DETERMINING a CHILD is NO LONGER a CHILD WITH a DISABILITY

- The evaluation procedures described under re-evaluation are not required before the termination of a child's eligibility due to graduation with a regular high school diploma, or exceeding the age eligibility for FAPE. However, the school district shall follow the procedures for evaluation before determining that *the child is no longer a child with a disability* and *before dismissing the child from services*.

### INITIAL EVALUATION PROCEDURES ✓ CHECKLIST

1. Ensure that upon receipt of the signed **Parental Prior Written Notice - Consent for Evaluation/Re-Evaluation** form, the date that the consent was *received* by the district is recorded on the bottom of the **Parental Prior Written Notice - Consent for Evaluation/Re-Evaluation** form. This date is very important because it determines the starting date for the *25-school day* testing timeline for the completion of the evaluation.

\*\*Consent for conducting an initial evaluation may not be construed as consent for initial placement for special education services.

- \_\_\_ 2. Ensure that an evaluation team is secured by the district to conduct a multi-disciplinary evaluation in *all areas* of the suspected disability including functional evaluations, any parental evaluation concerns, and *if appropriate*, general intelligence, academic performance, communicative status, motor abilities, health, vision, hearing, and social and emotional status.
- \_\_\_ 3. Ensure that all areas to be evaluated are checked on the **Parental Prior Written Notice - Consent for Evaluation/Re-Evaluation** form. (Make sure that the achievement areas that are checked on the **Parental Prior Written Notice - Consent for Evaluation/Re-Evaluation** form match the functional assessment areas that are checked on the **Parental Prior Written Notice - Consent for Evaluation/Re-Evaluation** form). If other areas not listed on the form need to be evaluated (i.e. Autism Screening) write them under the section *Other Areas to be Evaluated Not Listed*.
- \_\_\_ 4. Ensure that the special education teacher and classroom teacher(s) gather *functional assessment data* and *developmental information* about the child relating to progress in the general curriculum. (The special education teacher is responsible for the administration of the functional assessments to identify specific skills the child can and cannot perform using the Brigance Inventories, DACS, observations, teacher-made tests, student work samples, etc.)
- \_\_\_ 5. If the child is being considered for resource room assistance, ensure that the **Referral for a Special Education Evaluation** form is completed and mailed to the school psychologist, with the **Parental Prior Written Notice - Consent for Evaluation/Re-Evaluation, Parental/Guardian Input for Evaluation, Classroom Observation** form, child's grades, standardized testing information (Dakota STEP) and, if necessary, behavior rating scales such as: BASC-2, Conners-3, ABAS-II, etc.
- \_\_\_ 6. Ensure that all evaluations are completed *within 25 school days* after receipt by the district of the signed **Parental Prior Written Notice - Consent for Evaluation/Re-Evaluation** form *unless other* time lines are agreed to by the district administration and the parents/guardian. Consent for initial evaluation may not be construed as consent for initial placement for services.
- \_\_\_ 7. Ensure that if the evaluation *cannot* be completed within the *25 school day* timeline, the district will immediately contact the parents/guardian via phone or in person explaining the reasons, and notify them that the district will be seeking their permission to extend the evaluation timeline to the new completion date.
  - a. Ensure that a new completion date is entered on the original **Parental Prior Written Notice - Consent for Evaluation/Re-Evaluation** form.
  - b. Ensure that the completed **Parental Prior Written Notice - Consent for Evaluation/Re-Evaluation** form is mailed to the parents/guardian requesting their *signed approval* with instructions to return the signed form to the district.
- \_\_\_ 8. Ensure that the resource room teacher or a qualified IEP team member other than the child's classroom teacher conducts a classroom observation of the child using the **Classroom Observation Report** form.
- \_\_\_ 9. Ensure that the IEP team has the needed evaluation data to make a determination. As part of an initial evaluation, if appropriate, the individual education program team, including the child's parents/guardian and other individuals with knowledge and skills necessary to interpret evaluation data, shall review existing evaluation data on the child and identify what additional data, if any, are needed to determine:
  - a. If a category of disability exists;
  - b. Present levels of performance; and
  - c. Need for special education and related services.

### THREE-YEAR (3) REEVALUATION PROCEDURES ✓ CHECKLIST

1. Ensure that upon receipt of the signed parental/guardian **Parental Prior Written Notice - Consent for Evaluation/Re-Evaluation** form, the date that the consent was *received* by the district is recorded on the bottom of the **Parental Prior Written Notice - Consent for Evaluation/Re-Evaluation**. This date is very important because it determines the starting date for the *25-school day* testing timeline for the completion of the evaluation.  
  
If the school district can demonstrate and document that it has taken reasonable measures to obtain parental/guardian consent, and the child's parent/guardian has failed to respond, the school district *may proceed* with the reevaluation without signed consent. The school district should document a minimum of at least two additional attempts for parental notifications on the bottom of the **Parental Prior Written Notice - Consent for Evaluation/Re-Evaluation** form.
2. Ensure that an evaluation team is secured by the district to conduct a multi-disciplinary evaluation in *all areas* of the suspected disability including functional evaluations, any parental evaluation concerns, and *if appropriate*, general intelligence, academic performance, communicative status, motor abilities, health, vision, hearing, and social and emotional status.
3. Ensure that all areas to be evaluated are checked on the **Parental Prior Written Notice - Consent for Evaluation/Re-Evaluation** form. (Make sure that the achievement areas that are checked on the **Parental Prior Written Notice - Consent for Evaluation/Re-Evaluation** form match the functional assessment areas that are checked on the **Parental Prior Written Notice - Consent for Evaluation/Re-Evaluation** form). If other areas not listed on the form need to be evaluated (ie Autism Screening) write them under the section *Other Areas to be Evaluated Not Listed*.
4. Ensure that the special education teacher and classroom teacher(s) gather *functional assessment data* and *developmental information* about the child relating to progress in the general curriculum. (The special education teacher is responsible for the administration of the functional assessments to identify specific skills the child can and cannot perform using the Brigance Inventories, DACS, observations, teacher-made tests, student work samples, etc.)
5. If the child is being considered for resource room assistance, ensure that the **Referral for a Special Education Evaluation** form is completed and mailed to the school psychologist, with the **Parental Prior Written Notice - Consent for Evaluation/Re-Evaluation, Parental/Guardian Input for Evaluation, Classroom Observation** form, child's grades, standardized testing information (Dakota STEP) and, if necessary, behavior rating scales such as: BASC-2, Conners 3, ABAS-II, etc.
6. Ensure that all evaluations are completed *within 25 school days* after receipt by the district of signed **Parental Prior Written Notice - Consent for Evaluation/Re-Evaluation** form *unless other* timelines are agreed to by the district administration and the parents/guardian. Consent for initial evaluation may not be construed as consent for initial placement for services.
7. Ensure that if the evaluation cannot be completed within the *25 school day* timeline, the district will immediately contact the parents/guardian via phone or in person explaining the reasons, and notify them that the district will be seeking their permission to extend the evaluation timeline to the new completion date.
  - a. Ensure that a new completion date is entered on the original **Parental Prior Written Notice - Consent for Evaluation/Re-Evaluation** form.
  - b. Ensure that the completed **Parental Prior Written Notice - Consent for Evaluation/Re-Evaluation** form is mailed to the parents/guardian requesting their *signed approval* with instructions to return the signed form to the district.

- \_\_\_ 8. Ensure that the resource room teacher or a qualified IEP team member other than the child's classroom teacher conducts a classroom observation of the child using the **Classroom Observation Report** form.
  
- \_\_\_ 9. Ensure that the IEP team has the needed evaluation data to make a determination. As part of an initial evaluation, if appropriate, the individual education program team, including the child's parents/guardians and other individuals with knowledge and skills necessary to interpret evaluation data, shall review existing evaluation data on the child and identify what additional data, if any, are needed to determine:
  - a. If a category of disability exists;
  - b. Present levels of performance; and
  - c. Need for special education and related services.

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## ELIGIBILITY DETERMINATION ✓ CHECKLIST

- \_\_\_ 1. Ensure that upon completion and receipt of all evaluation reports, the district's representative for special education services contacts the parents/guardian to arrange a mutually agreed upon date and time to conduct an IEP team meeting. The IEP team meeting must be scheduled within 30 calendar days after the end of the 25-school day evaluation time. The IEP team meeting to determine eligibility for services should also include discussion and development of the IEP for those children eligible for special education services.
- \_\_\_ 2. Ensure that the district's representative mails to the parents/guardian a completed **Parental Prior Written Notice** form at least five (5) days prior to the IEP team meeting date informing them of the date, time, and place of the IEP meeting, persons invited to attend the meeting, and persons requesting to be excused from the meeting with parental/guardian consent.
- \_\_\_ 3. Ensure that the IEP team consists of the following people:
  - Parents/guardian of the child;
  - At least one special educator;
  - School administrator or designee;
  - At least one general education teacher;
  - An individual who can interpret the educational implications of the evaluation results;
  - Other individuals who have knowledge or special expertise regarding the child, including related service personnel as appropriate;
  - The child may attend anytime, but attendance is required for transition services; and
  - A representative of any participating agency that is likely to be responsible for providing or paying for transition services if the child is of transition age.
- \_\_\_ 4. Ensure that in the event that one or both parents/guardian of the child cannot be present at the IEP team meeting, they are afforded the opportunity to participate via other modes of communication.
- \_\_\_ 5. Ensure that in the event that the parents/guardian elect not to participate in the IEP team meeting, the district has written documentation of at least two (2) additional attempts to arrange a mutually agreed upon time and place, such as:
  - Detailed records and dates of telephone calls, e-mails, faxes, or other modes of communication made to the parents/guardian and the results of those attempts noted on the **Parental Prior Written Notice** form;
  - Detailed copies of dated correspondence, such as return receipts for registered mailings;
  - Detailed records and dates of visits made to the parents/guardian's home or place of employment and the results of those visits.
- \_\_\_ 6. In the event that the parents/guardian or district request the IEP team meeting to be held less than five (5) days from the scheduled IEP meeting date, the parents/guardian must waive the five (5) day prior notice requirement by signing the waiver statement on the **Parental Prior Written Notice** form at the beginning of the IEP team meeting.
- \_\_\_ 7. Ensure that if there are IEP team members that cannot be present at the meeting, the parents/guardian excuse these team members by signing the Consent to Excuse IEP Team Members statement on the **Parental Prior Written Notice** form. These excused IEP team members must also provide the IEP team and parents/guardian with written input that may be used in the development of the child's educational program.

- \_\_\_ 8. Ensure that the child has been appropriately evaluated and all the evaluation data is gathered, interpreted, and explained to the parents/guardian in their primary mode of communication.
- \_\_\_ 9. Ensure that the IEP team has taken appropriate action to ensure that the parents/guardian understand the purpose and proceedings of the IEP meeting, including arranging for an interpreter for the parents/guardian who are deaf or whose native language is not English, if needed.
- \_\_\_ 10. Determine if the student is eligible for special education or special education and related services. Use the following table (Special Education Eligibility Decision Table √ Checklist) and follow the outlined steps, depending on the IEP team's determination.

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**SPECIAL EDUCATION ELIGIBILITY DECISION TABLE ✓ CHECKLIST**

*The consensus determination by the child's IEP team is as follows:*

<b>YES.</b> The child <i>has</i> been determined by the IEP team to be a child in need of special education or special education and related services:		<b>NO.</b> It has been determined that the child <i>is not</i> in need of special education or special education and related services:	
___ 1.	The IEP team completes the <b>MDT Report</b> form.	___ 1.	The district representative verifies the child <i>is not</i> eligible for special education or special education and related services as determined by the IEP team by checking 'no' on the front page of the IEP.
___ 2.	Each member of the child's IEP team signs, dates, and certifies (by checking yes or no) whether the <b>MDT Report</b> form reflects his or her conclusion. If it does not reflect his or her conclusion, the group member must submit his or her conclusion in a separate statement that is attached to the <b>MDT Report</b> form.	___ 2.	The IEP team completes the <b>MDT Report</b> form, verifying that the child <i>is not</i> eligible for special education or special education and related services.
___ 3.	Ensure that the parents/guardian have signed and dated the Parent/Guardian verification section on the <b>MDT Report</b> form documenting that they have received copies of <i>both</i> the evaluation reports and the eligibility document (MDT Report) at no cost to them and have had the results of the evaluation explained to them.	___ 3.	Each member of the child's IEP team signs, dates, and certifies (by checking yes or no) on the <b>MDT Report</b> form reflecting his or her conclusion. If it does not reflect his or her conclusion, the group member must submit his or her conclusion in a separate statement that is attached to the <b>MDT Report</b> form.
___ 4.	The IEP team proceeds to develop an IEP for the child, implementing the administrative rules and regulations outlined in the <b>IEP Technical Assistance Guide</b> .	___ 4.	Ensure that parents/guardian have signed and dated the Parent/Guardian verification section on the <b>MDT Report</b> form documenting that they have received copies of <i>both</i> the evaluation reports and the eligibility document ( <b>MDT Report</b> form) at no cost to them and have had the results of the evaluation explained to them.
		___ 5.	Ensure that if the parents/guardian disagree with the evaluation results, they have the right to request, in writing, an independent educational evaluation at public expense. Refer to the <b>Independent Educational Evaluation Policy</b> and <b>Parents Rights Brochure</b> .

\*\*Ensure that in the event the child does not meet the eligibility criteria of a child in need of special education or special education and related services, the IEP team may consider using the **IEP Team Placement Committee Override** form for determining eligibility.