

SPECIAL EDUCATION ASSESSMENT PROCEDURES

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Introduction

The Riverside County Special Education Local Plan Area (SELPA) has developed assessment and notification forms to fulfill the requirements outlined in federal and state mandates. This procedural manual serves as a resource to special education personnel and site administrators by explaining when to use the various forms. These forms are required to be kept in a confidential file for each student with a suspected or known disability being considered for and/or receiving special education services.

Other resources do not distinguish between the terms “assessment” and “evaluation”, and frequently use them interchangeably. For the purposes of this document, assessment and evaluation are differentiated based on the following definitions: assessment is data collection from multiple sources; evaluation integrates all data to produce a student profile to inform decisions about identification, eligibility, services, and instruction.

On September 23, 2010 the House of Representatives unanimously approved a bill paving the way for the term “mental retardation” to be replaced with “intellectual disability” in areas of federal law. The legislation also known as Rosa’s Law has been applied to the language herein.

Initiation Of The Special Education Assessment Process

All referrals for special education and related services shall initiate the assessment process and shall be documented. When a verbal referral is made, staff of the local educational agency (LEA) or SELPA shall offer assistance to the individual in making a request in writing, and shall assist the individual if the individual requests such assistance. All school staff referrals shall be written and include a brief reason for the referral and documentation of the resources of the regular education program that have been considered, modified, and when appropriate, the results of intervention. This documentation shall not delay the time lines for completing the assessment plan or assessment. (CCR Title 5, § 3021)

A pupil shall be referred for special educational instruction and services only after the resources of the regular education program have been considered and, where appropriate, utilized. (EC 56303)

What Are The Procedures To Appropriately Identify The Referral Concern(s)?

Use a review, interview, observe and test model to ensure that “all areas related to the suspected disability” are addressed instead of solely focusing on the learner through testing. The first step in the process is to use a combination of review records and interviewing of key individuals to produce a clear and concise referral question. The question should be more specific than “the purpose of this assessment is to determine if the student is eligible for special education services.” An example of a more specific referral question is: “the purpose of this assessment is to determine areas of strengths and weaknesses related to literacy and to determine whether the student responds adequately to a research based literacy intervention. This information will be used to determine if the student is best served in general or special education or a combination of the programs.”

If the referral question is clear, then it will be fairly straightforward to judge whether a report is truly “comprehensive.” If the referral question is ambiguous and broad, then judging the degree to which all aspects of the concern have been addressed becomes significantly more difficult. It is also important to clearly understand the referral concern, before an assessment plan is created. This will entail using the riot processes with a specific focus on interviewing teachers and parents

using either an unstructured or structured interview process designed to identify the primary problem and lead to intervention ideas. For example, discussion with teachers or parents may suggest that the academic problem is accompanied by a concern about a student's emotional status or behaviors that appears related to the academic area of concern. The information gathered as part of developing the referral question should be included in the report in the background or assessment results section and addressed in the evaluation, even though the data was collected before the assessment plan was signed.

What Are The Procedures When A Parent Makes A Referral For Special Education Assessment?

If a parent makes an oral request for a special education assessment for their child, it is the responsibility of the LEA to inform the parents this request must be in writing and assist the parents with writing the request if needed (EC 56029; CCR§ 3021). This request starts the assessment process and should follow the same procedure as listed above.

When the LEA receives a written request for special education assessment from a parent, the LEA has 15 days to respond to the request with either a proposed assessment plan (see below for requirements) or a Prior Written Notice (see below) with the reason why the assessment is being denied (EC 56321, 56500.4).

What Other Assessment Guidelines Need To Be Considered During The Process?

1. A multidisciplinary team, including at least one teacher or specialist knowledgeable in the area of suspected disability, conducts assessments.
2. An assessment shall be administered by qualified personnel who are appropriately trained to administer and interpret test results. Qualified personnel should be competent in both oral and written skills in the student's primary language or mode of communication, as well as have knowledge and understanding of the student's cultural and ethnic background. If an interpreter must be used the assessment report must document this condition. (Title 5, CCR 3023)
3. No single score or product of scores or test procedures shall be used as the sole criterion for the decision of the IEP Team as the student's eligibility for special education.
4. For pupils with suspected learning disabilities, a regular education teacher shall participate in the assessment, and at least one team member, other than the pupil's regular teacher, shall observe the pupil's academic performance in the regular classroom setting. In the case of a child who is less than school age or out of school, a team member shall observe the child in an environment appropriate for a child of that age. (CCR 3030 j (C 3-4), EC 56341 (7) (c))
5. IQ test scores are not contained in files of African-American pupils. Please refer to the Guidelines on Assessing African American Students and purging IQ scores received from out-of-state LEAs or non-educational agencies. (Guidelines For Assessing African-American Students)
6. Assessment results are documented and contain all required information. (See Written Report Section)
7. Each individual is reassessed/reviewed for determination of needed evaluation data at least every three years to determine eligibility or more frequently when requested by parent or teacher. (EC 56381(a)(2))

8. Written consent by parent/guardian/adult student is necessary anytime an individual student is screened or assessed. If a group of students are being screened or assessed at the same time, then written consent is not required.
9. Written consent by parent/guardian/adult student is required prior to observing an individual student if the data collected due to suspicion of disability or disability-related need. If the observation is conducted solely to provide feedback to the teacher regarding service delivery, then written consent will not be needed.

Procedures And Forms

What Are The Assessment Timelines?

All referrals for assessment must come through a Search and Serve and/or the problem solving team process. If a parent requests an assessment in writing, it is recommended that a meeting be held with the parent and problem solving team within 15 calendar days to ensure that *“all resources of the general education program have been considered and, where appropriate, utilized”* (EC 56303).

If parent/guardian is unable to attend the meeting, the LEA must provide a written response to their request for evaluation within 15 days (EC 56043(a)).

- If an assessment is indicated, the parent/guardian shall be provided a copy of the Procedural Safeguards, Prior Written Notice and a proposed Assessment Plan.
- If an assessment is not indicated, the parent/guardian shall be provided a copy of the Procedural Safeguards and Prior Written Notice.

All assessments must be completed and an Individualized Education Plan (IEP) developed within 60 calendar days after receipt of the signed assessment plan (EC 56043(c)). Vacations or off track days longer than 5 consecutive school days are not counted as part of the 60 calendar days. The number of days prior to the off school time is added to the days starting upon the student's return to total the 60 calendar days (EC 56043(f)(1)). The evaluation process is not completed until the IEP team meeting is held and the appropriate IEP pages written.

When a referral is received 10 days or less prior to the end of the regular school year, the days between the pupil's regular school sessions or terms or days of school vacation in excess of five schooldays are not counted as part of the 60-days. However, the assessment plan shall be developed within 10 days after the commencement of the subsequent regular school year or the pupil's regular school term as determined by each LEA's school calendar. In the case of pupil school vacations, the 15-day time shall commence on the date that the pupil's regular schooldays reconvene. (EC Section 56321a)

When Do I Provide The Parent(s) With A Copy Of The Notice Of Procedural Safeguards And Parents' Rights?

The Notice of Procedural Safeguards and Parents' Rights must be given to the parent/guardian at multiple times throughout the Individualized Education Program (IEP) process (EC 56301(d)(2)):

- Upon initial referral for assessment
- Upon notice of an individualized education program meeting
- Upon reassessment

It is critical that someone on the team explains the contents to the parent/guardian to ensure that s/he understands their rights and the processes involved. A copy of the Procedural Safeguards and Parent Rights are located on Riverside County SELPA's webpage.

When Do I Complete A Prior Written Notice?

Written prior notice shall be given by the LEA to the parent(s) or guardian(s) of an individual with exceptional needs, or a child upon initial referral for assessment, whenever the LEA proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child. (EC 56500.4),

For guidance on completing the Prior Written Notice Form, please see the IEP Manual.

A compliant notice will be individualized for each student and must include the following components:

- A description of the action proposed or refused by the agency
- An explanation of why the agency proposes or refuses to take the action
- A description of any other options that the agency considered and the reasons why those options were rejected
- A description of each assessment procedure, test, record, or report the agency used as a basis for the proposed or refused action
- A description of any other factors that are relevant to the agency's proposal or refusal
- A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation; and the means by which a copy of a description of the procedural safeguards can be obtained.(34CFR§300.503)

A legal opinion pertaining to Prior Written Notice suggests a separate form be sent out after the IEP team has made a decision for the change/rejection on the following actions:

- Evaluation/Re-evaluation – intention or refusal (*EC Section 56500.4*)
- Educational Placement (change of placement)
- Change of placement due to graduation
- Exiting student from special education
- When the LEA is refusing to take an action requested by parent in writing

A director of special education generates a Prior Written Notice in response to the written request from the parents for assessment or Independent Education Evaluation (IEE).

The notice must be:

- Written in language understandable to the parent/guardian
- 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 other mode of communication of the parent is not a written language, the public agency shall take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication
- That the parent understands the content of the notice and this is documented
- A copy of the Procedural Safeguards (see appendix) should be attached to the Prior Written Notice.

When Is An Assessment Plan Developed?

An assessment plan must be developed before any action is taken with respect to the initial placement of an individual with exceptional needs in special education instruction. An Assessment Plan must also be developed for all formal three-year reevaluations or any time an individualized assessment is being conducted. When the school site receives a written request for assessment from the parent/guardian, or school staff member has a question regarding eligibility or services, an assessment plan should be developed.

Who Should Participate In Developing The Assessment Plan?

Although only one person needs to complete the initial Assessment Plan form, it is ideally developed in a team-consultation based on current classroom assessment and observation by teachers and related service providers and other findings and recommendations from the school site's problem solving team (e.g. Educational Monitoring Team (EMT), School Based Intervention Team (SBIT)). The parent/guardian should be included in developing the Assessment Plan to ensure that their areas of concerns are addressed and they have the opportunity to share any information available from assessments completed by other agencies/professionals, such as independent assessments, which should be documented on the Assessment Plan. A member of the multidisciplinary team should explain the proposed Assessment Plan to the parent/guardian in the parent/guardian's native language to insure that "informed" consent is obtained.

What Should Be Included In The Assessment Plan?

The proposed assessment plan given to parents or guardian shall meet all the following requirements (EC Section 56321b):

- (1) Be in language easily understood by the general public.
- (2) Be provided in the primary language of the parent, guardian, or other mode of communication used by the parent or guardian, unless to do so is clearly not feasible.
- (3) Explain the types of assessments to be conducted.
- (4) State that no individualized education program will result from the assessment without the consent of the parent.

Please see the Riverside County SELPA IEP Manual for specifics on how to complete the Assessment Plan.

Is Consent Required Prior To Starting The Assessment Process?

No initial assessment shall be conducted unless the written consent of the parent or guardian is obtained prior to the assessment. The parent or guardian shall have at least 15 days from the receipt of the proposed assessment plan to arrive at a decision. Assessment may begin immediately upon receipt of the consent. (EC Section 56321(c)(4))

Parental consent is not required before reviewing existing data as part of an assessment or reassessment, or before administering a test or other assessment that is administered to all children, unless before administration of that test or assessment, consent is required of the parents of all the children. (EC 56321(e) and 34CFR§300.300(3)(a))

What If A Parent Does Not Provide Consent For An Initial Assessment?

If the parent of the child does not provide consent for an initial assessment, or the parent fails to respond to a request to provide the consent, the local educational agency may, but is not required

to, pursue the initial assessment utilizing the procedural safeguards procedures, including mediation and due process procedures. (56501(a)(3), 56506(e) and 34 CFR 300.300(a))

The local educational agency does not violate its obligation for child find, evaluation and eligibility determination if it declines to pursue the assessment. (34 CFR 300.300(a)(3)(ii) and EC 56321(2)(3))

Who Provides Consent If The Student Is A Ward of The State?

If the child is a ward of the State and is not residing with the child's parent, the public agency is not required to obtain informed consent from the parent for an initial to determine whether the child is a child with a disability if—

- (i) Despite reasonable efforts to do so, the public agency cannot discover the whereabouts of the parent of the child;
- (ii) The rights of the parents of the child have been terminated in accordance with State law; or
- (iii) The rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.(34 CFR 300.300(a)(2)) The court may also appoint a Court Appointed Special Advocate (CASA).

In the cases when the courts have not appointed an individual or CASA, the LEA will need to appoint a surrogate parent.

What If A Parent Does Not Provide Consent For A Triennial Assessment?

If the parent refuses to consent to the reassessment, the local educational agency may, but is not required to, pursue the reassessment by using the consent override procedures by showing the public agency has made reasonable efforts to obtain the informed consent from the parent for the reassessment to determine whether the child is a child with a disability. 34 CFR 300.300(a)(3).

When Do I Need To Use Authorization For Use And/Or Disclosure Of Information Form?

Confidentiality means the restriction of access to verbal and written communications, including clinical, medical and educational records to appropriate parties. (EC 49076) "Pupil record" means any item of information directly related to an identifiable pupil, other than directory information, which is maintained by a LEA or required to be maintained by an employee in the performance of his or her duties whether recorded by handwriting, print, tapes, film, microfilm or other means. "Pupil record" does not include informal notes related to a pupil compiled by a school officer or employee, which remain in the sole possession of the maker and are not accessible or revealed to any other person. (EC 49061(b)) "Access" means a personal inspection and review of a record or an accurate copy of a record, or receipt of an accurate copy of a record, an oral description or communication of a record or an accurate copy of a record, and a request to release a copy of any record. (EC 49061(e)) A LEA may permit access to pupil records to any person for whom a parent of the pupil has executed written consent specifying the records to be released and identifying the party or class of parties to whom the records may be released. The recipient must be notified that the transmission of the information to others without the written consent of the parent is prohibited. The consent notice shall be permanently kept with the record file (49075(a)).

The *Authorization for Use and/or Disclosure of Information* form is a SELPA form for LEAs to use to obtain parent(s) consent in giving permission to release information from a student's file or to obtain information from an outside agency. This form meets Federal and State regulations and is

valid for one year from the date signed. A copy of the signed authorization needs to be maintained in the student's file. It is important to fill-in the name of the party receiving and sending the confidential information and for what purpose the information is being requested. Please see the Riverside County SELPA IEP Manual for specific directions on how to complete the *Authorization for Use and/or Disclosure Of Information Form*.

Classroom Observation Procedures

It is recommended that schools limit outside observations of school based programs for the following reasons: (1) confidentiality, (2) impact on the learning environment, (3) time away from task by staff, (4) additional stressors in the learning environment, and (5) school safety. Individuals who request an observation need to conform to the policies and procedures of the local education agency operating the program. For pupils with disabilities, Special Education Office personnel and/or the site administrator have the authority to grant or deny requests.

Generally, all observations are scheduled in advance, with the reason for the observation, qualification (position) of the person making the observation, and specific standardized observational measures to be used (if any) shared with the school contact person or administrator. If a specific standardized observation measure is to be used, the name of the test must be shared along with documentation by the parent authorizing use of the testing instrument or observational checklist. By knowing the specifics of the observation, school staff can schedule the observation at a time when the reasons for observation can most likely be seen. All observations should be hosted by a LEA staff person of a similar background or position. The staff person shall also make observational notes of the same visitation.

In general, observation is for a specific pupil, and information about other children cannot be shared, nor used as a basis for placement, diagnosis, or comparative data specific to other children. In no way may the observation of a specific child be used as an evaluation of a credentialed staff person, teacher, or other professional. All evaluations are subject to LEA policies. In the event an observer has any comments regarding the performance of any staff person, either positive or negative, this information shall not be included in any written report and shall be provided to the supervisor as necessary and appropriate. Uniform complaint procedures are available upon request at the LEA and school site level. It is understood that these SELPA guidelines for classroom observations may be superseded by an approved LEA policy.

It is understood that personnel from the Regional Center, Department of Mental Health, and/or California Children Services may have specific needs to observe children at school. These guidelines are in addition to any such guidelines contained in the Interagency Agreement with each agency. LEA personnel shall collaborate to assure that the observation is completed within the guidelines and within a reasonable period of time from the original request. All concerns at a given school shall be referred to the LEA Special Education Administrator. Any concerns of a given LEA, may be referred to the SELPA Executive Director. To the maximum extent possible, agency personnel are asked to follow these observational guidelines

Assessment Procedures

What Procedures Are Considered For Cultural Factors And Limited English Proficiency?

Students should not be identified as eligible for special education when the cause for their academic difficulties is Limited English Proficiency or other cultural factors. Federal laws indicate that a determination of primary home language must be made for all students. Additionally if the primary home language is other than English, the student's proficiency in English (listening,

speaking, reading, and writing) must be assessed by school personnel. Research (Cummins, 1979; Collier, 1987; Klesmer, 1994; Cummins, 1984) indicates that it takes approximately two years to acquire basic interpersonal communication skills (BICS) and between five and seven years to acquire the cognitive academic language proficiency (CALP) required to function effectively in content subjects. Failure to account for language development will lead to discriminatory outcomes in assessments, over-representation in referrals, and disproportionate placement in special education programs.

Students who are in the process of learning English may often display academic behaviors and skill sets that are misinterpreted as learning disabilities. It should not be assumed that English Learners who are not acquiring academic skills according to the age and grade expectations of their English speaking peers are displaying evidence of any handicapping condition. Before referring for a special education assessment, an analysis of the student's background and progress in one of the California state adopted English Language Development (ELD) curriculum programs should be conducted. This analysis should analyze prior education history, which includes the student's response to interventions, and comparison of the student's educational progress in the school's ELD curriculum with similar peers also in the ELD program.

The impact of cultural factors on students' academic performance represents a component of the exclusionary picture that should be considered. For immigrant students, the impact of acculturation should not be overlooked in examining effects on academic progress. Also, some students may exhibit low proficiency in Standard English Language (SEL) which may also negatively impact academic achievement.

Thus, multi-disciplinary evaluation teams in examining cultural and language factors as exclusionary need to carefully review (a) the student's prior educational history, (b) progress in the ELD curriculum, (c) SEL difficulties, and (d) acculturation factors as part of the process to determine if those factors are the primary reason for the students' academic difficulties. This analysis should provide the basis for any individual assessment that may be conducted. The assessment should be conducted, if feasible, by bilingual assessors fluent in the student's primary language (Ed Code citation) and will weigh the relative impact of language acquisition, cultural factors and indicators of a SLD on students' academic progress, which includes their response to interventions.

What Procedures Are Considered For Environmental Or Economic Disadvantage?

The evaluation team must also assess whether issues of environment or economic factors may be the primary source of a child's academic problems rather than a handicapping condition. Indicators of economic status are found by reviewing the student's or school's receipt of federally subsidized meal program. Interviews with the family and developmental histories are also useful tools that provide further environmental information that may impact student achievement, such as illnesses, patterns of school attendance, availability of early intervention, etc. In addition, chronic health conditions sleep disorders, medications, or other significant areas of difficulty for a child should be considered. Whether these factors are impacting the student's academic skills should be documented in assessment reports, and may serve to rule out SLD.

What Instruments Should Be Used?

A variety of assessment tools and strategies are used to gather relevant functional and developmental information about the child, including information provided by the parent, and information related to enabling the child to be involved in and progress in the general curriculum (or for a preschool child, to participate in appropriate activities). (34 CFR 300.304(b)(2))

Assessments or measures are administered by trained and knowledgeable personnel in accordance to the instruction provided by the producer of the assessments to insure validity and reliability. Assessments or 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. Assessment tools should be selected and administered to a child with impaired sensory, manual or speaking skills in a manner in which 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 student's impaired sensory, manual or speaking skills (unless those skills are the factors that the test purports to measure). (34 CFR 300.304(c))

When standardized tests are considered to be invalid for the specific pupil an alternative assessment must be utilized and specified on the assessment plan. (CCR 3030(c)(4)(B) and 3030(j)(4)(B))

What Are Legal Requirements Of Individualized Assessment For Suspected Disability?

An individual assessment of the pupil's educational needs shall include, but not limited to, all the following: (EC 56320)

- (a) Testing and assessment materials and procedures used for the purposes of assessment and placement of individuals with exceptional needs are selected and administered so as not to be racially, culturally, or sexually discriminatory.
- (b) Tests and other assessment materials are provided and administered in the pupil's primary language or other mode of communication, unless the assessment plan indicates reasons why this provision and administration are not clearly feasible, have been validated for the specific purpose for which they are used, and are administered by trained personnel in conformance with the instructions provided by the producer of the tests and other assessment materials, except that individually administered tests of intellectual or emotional functioning shall be administered by a credentialed school psychologist.
- (c) Tests and other assessment materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient.
- (d) Tests are selected and administered to best ensure that when a test administered to a pupil with impaired sensory, manual, or speaking skills produces test results that accurately reflect the pupil's aptitude, achievement level, or any other factors the test purports to measure and not the pupil's impaired sensory, manual, or speaking skills unless those skills are the factors the test purports to measure.
- (e) No single procedure is used as the sole criterion for determining whether a pupil is an individual with exceptional needs and for determining an appropriate educational program for the pupil.
- (f) The pupil is assessed in all areas related to the suspected disability including, if appropriate, health and development, vision, including low vision, hearing, motor abilities, language function, general intelligence, academic performance, communicative status, self-help, orientation and mobility skills, career and vocational abilities and interests, and social and emotional status. A developmental history is obtained, when appropriate. For pupils with residual vision, a low vision assessment shall be provided.
- (g) The assessment of a pupil, including the assessment of a pupil with a suspected low incidence disability, shall be conducted by persons knowledgeable of that disability. Special attention shall be given to the unique educational needs, including, but not limited to, skills and the need for specialized services, materials, and equipment.
- (h) As part of an initial assessment, and if appropriate, as part of any reassessment, the group shall include members of the individualized education program team, and other qualified professionals, as appropriate. The group may conduct its review without a meeting.

Comprehensive Evaluation Report

A comprehensive evaluation report provides the documentation that all legal and best practice aspects of an assessment have been completed, and should be viewed as a resource for teachers and other staff members as intervention options are considered. There is not one way to complete a comprehensive evaluation and the concept of a “comprehensive” evaluation is somewhat of a subjective conclusion. That being said, there are a set of general principles promulgated in the Test Standards that apply to all types of individualized assessments and evaluation that should be followed for every case. In addition, most author(s) who write about psycho-educational evaluation practices suggest it is critical to use a conceptual model to help organize and present results.

What Are The Legal Requirements For The Written Comprehensive Evaluation Report?

The personnel who assess the pupil shall prepare a written report, or reports, as appropriate, of the results of each assessment. The report shall include, but not be limited to, all the following: (EC 56327).

- *Whether the pupil may need special education and related services*
- *The basis for making the determination*
- *The relevant behavior noted during the observation of the pupil in an appropriate setting*
- *The relationship of that behavior to the pupil's academic and social functioning*
- *The educationally relevant health and development, and medical findings, if any*
- *For pupils with learning disabilities, whether there is such a discrepancy between achievement and ability that it cannot be corrected without special education and related services*
- *A determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate*
- *The need for specialized services, materials, and equipment for pupils with low incidence disabilities*

A copy of the evaluation report and the documentation of determination of eligibility shall be given to the parent or guardian. (EC 56329 (a))

What Should A Comprehensive Evaluation Report Include?

The evaluation report must also include information about:

- the student's demographic data
- the reason for the referral
- documented interventions
- results of tests administered
- statements regarding validity of the assessments and whether test results are valid
- consideration of independent assessments

What Components Should Be Included In The Comprehensive Evaluation Report?

- The reason for the referral to special education, including the effects of the modifications attempted in the regular education setting and any previous assessment results.
- The child's developmental and health history, social and family dynamics including any socio-cultural factors and school history.
- Document that the assessment was administered in student's primary language (EC 56320)

- Include the child's performance in school and the classroom, adaptive behavior functioning, academic achievement levels, cognitive abilities, psychological processing areas, emotional behavioral functioning, language/communication skills and career/vocational (as appropriate).
- Documentation from the observation of the child in their natural environment if they are under 5 years old and in the classroom for school age, as well as observation of the child during the assessment process.
- A statement regarding the validity of the assessment.
- The effects of the environmental, cultural, or economic disadvantage status of the child in relation to the test results
- A summary and conclusion of the test results along with the recommendations regarding eligibility and placement for special education services.
- If an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions (e.g., the qualifications of the person administering the test, or the method of test administration, use of the interpreter), including the affects to validity (EC 56320(b)).
- Indicate the name(s) and title/position of the multidisciplinary team members who assisted in compiling the evaluation report.
- Include strategies, accommodations and/or modifications the child may need to progress and be involved in the general education curriculum and/or setting based on the evaluation results.
- A statement to indicate rather student needs special education services and the bases for that determination (EC 56317(b)).

Are There Any Exclusionary Factors That Must Be Considered?

There are factors that the evaluation team and IEP team will need to consider to determine if they preclude the student from being identified with a disability. The multidisciplinary evaluation team must consider current legal requirements that describe exclusionary factors and how they are manifested. Some of the factors apply to students who may be considered for having any disability are lack of appropriate instruction in reading, including phonemic awareness, phonics, vocabulary, fluency, text comprehension, lack of instruction in mathematics, and limited-English Proficiency. To make a determination that any of these factors are not the primary reason for the student achievement difficulties, evaluation teams need to document, in the evaluation report, evidence that each of these factors has been considered and ruled out as primary determining factors. If necessary, more data may need to be gathered to eliminate specified exclusionary factors from consideration.

What Are The Components Of A Comprehensive Evaluation Report?

This section provides a general "best practices" related to what is considered to be appropriate and necessary to include in a comprehensive evaluation. There may be some situations where additional information is needed and other times that not all the information listed here is required.

General Testing Guidelines

- All test scores used for decision making or recommendations have a reliability above .90.
- Confidence intervals are reported for all scores.
- The purposes of specific assessment tools are clearly specified.
- Tools used have validity evidence for the purpose indicated.
- For English Learners, evidence exists that test scores are reliable and valid.

Referral Question

- Referral question is specific and designed to address more than eligibility determination.
- All the assessment tools selected address the referral question.

Instructional Factors

- Core skills for the primary academic concern (e.g., literacy) are assessed.
- An intervention that enhances instructional match in the academic area of concern is described.
- Information about the degree to which the intervention was implemented is included.
- A statement about the degree of match between the student's skill and the intervention is included.
- Empirically evaluated progress monitoring tools are used and clearly described.
- Goal setting process is thoroughly described.
- A decision about the impact of the intervention is included.

Exclusionary Factors

Statements with supporting data indicating the following factors are not the cause of the student's low academic performance are included:

- Visual impairment,
- Hearing impairment,
- Orthopedic disability,
- Intellectual disability,
- Emotional disturbance,
- Cultural factors and limited English proficiency,
- Environmental or economic disadvantage.

Defining Characteristics of the Disability

- A statement about the student's *need* for special education and a description of the sources of data used to make that conclusion is included.
- A statement about the existence of a specific learning disability and a description of the sources of data used to make that conclusion is included.
- A statement about the model selected for eligibility is included.
- Only one model for eligibility determination is used.

IDEA Guidelines

- A statement or information regarding assessment of all areas that may be related to the area of disability.
- A statement or information about the need for any services not commonly linked to the identified disability.
- Recommendations for instruction/intervention based upon assessment information.
- The use of multiple measures in determining eligibility.

What Is The Requirement To Translate Written Reports In The Primary Language Of Assessments Prior To An IEP?

The LEA must provide written translation of the IEP document, upon request, which is why the LEA doesn't want to include the assessment reports themselves as an IEP document. Providing an interpreter at the IEP to translate the assessment document and assessor information is appropriate and sufficient.

What Is The Requirement To Translate Written Independent Educational Evaluation (IEE) Reports In The Primary Language Of Assessments?

The rules are the same whether or not it is a LEA completed assessment or an IEE funded by the LEA. In looking at this requirement, whether or not we need to provide a **written** translation of an IEE, the answer is probably **no**. First, it is assumed the document is a true IEE - i.e., an independent evaluation that the LEA funded. If it were a parent funded evaluation, any argument for **written** interpretation of the document would be even more tenuous.

The LEA will also have to look at the **context**. For example, if the LEA **attached** the IEE as part of the IEP document itself (i.e., making the IEE a numbered page of the IEP), the LEA would arguably have to translate the document based upon 5 CCR 3040(b), which, again, requires us to provide a **written** translation of the "IEP program".

If, for example, the IEE was in the student's file, and the parent requested all of the pupil's record, the LEA would have to provide either an **oral** or **written** interpretation of "the record" for parent pursuant to 5 CCR 431.

If this is the normal situation, in which the IEE report itself is discussed at the IEP (and not made a part of the IEP document itself), then an **oral** translation is sufficient. That is the LEA needs only be sure that the parent "understands" the IEP meeting, which can be done through oral interpretation (See EC 56341.5 and 34 CFR 300.322(e)). Remember, too, that OAH will simply examine the situation from a parental participation standpoint - i.e., whether or not the parent understood the IEP proceedings. Of course, oral translation is a sufficient method of providing that understanding.

In the context of an IEP, the LEA can provide an oral (line for line if need be) translation of assessment reports at an IEP, which will be sufficient to meet our translation obligation. Other documents (such as parents' rights) have more specific requirements that apply to them.

Eligibility Criteria

A pupil shall qualify as an individual with exceptional needs... if the results of the assessment... demonstrate that the degree of the pupil's impairment as described in Section 3030 (a through j) requires special education in one or more of the program options authorized ... The decision as to whether or not the assessment results demonstrate that the degree of the pupil's impairment requires special education shall be made by the IEP team, including assessment personnel... The IEP team shall take into account all the relevant material that is available on the pupil. No single score or product of scores shall be used as the sole criterion for the decision of the IEP team as to the pupil's eligibility for special education. (CCR Title 5 Section 3030)

The specific categories of eligibility under Section 3030 can be referenced in the California Special Education Programs Composite of Laws; and are delineated as follows:

- (a) Hearing impairment*
- (b) Concomitant hearing and visual impairments*
- (c) Language or speech disorder (articulation disorder, abnormal voice, fluency disorders, expressive or receptive language disorder)*
- (d) Visual impairment*
- (e) Severe orthopedic impairment*
- (f) Other health impairments*
- (g) Autistic-like behaviors*
- (h) Intellectual disabilities*

- (i) *Serious emotional disturbance*
- (j) *Specific learning disabilities*

*The federal and State law also includes multiple disabilities, traumatic brain injury, and established medical disability.

During an initial or triennial IEP team meeting, the school psychologist should summarize the findings of the multidisciplinary team evaluation by indicating whether the pupil may need special education and related services, the basis for making the determination, the relevant behaviors and their relationship to the student's learning disabilities. The discussion should also cover whether there is a discrepancy between achievement and ability that cannot be corrected with general education interventions and is not the effects of environmental, cultural, or economic disadvantage, when appropriate. The team members usually reach consensus on eligibility but, when one or more members disagree, they should sign the IEP as being in attendance and attach a letter of dissent explaining why they disagree. It is important to note that eligibility and placement are two separate IEP team decisions.

Criteria for Determining Eligibility

What Criteria Do I Use For Determining Eligibility For Hard Of Hearing?

Must meet all conditions as follows:

- Student has a hearing impairment, whether permanent or fluctuating, that has been identified by an audiological specialist.
- Regardless of amplification, the hearing impairment reduces the processing of linguistic information, including reception and speech discrimination as identified by a speech and language specialist.

The hearing impairment results in either one or both of the following:

- The handicapping condition markedly reduces the ability of the student to learn academic material presented in a modified regular education setting.
- The handicapping condition markedly reduces the student's ability to function in the non-academic areas of modified regular education setting.

What Criteria Do I Use For Determining Eligibility For Deaf/Blind?

Must meet all of the following criteria:

- Student has concomitant hearing and visual impairments, the combination of which causes all of the following:
 - ❖ Severe communication problems.
 - ❖ Severe developmental problems.
 - ❖ Severe education problems.

What Criteria Do I Use For Determining Eligibility For Speech/Language Impaired?

Must meet any of the following criteria:

- **Articulation** – The student displays reduced intelligibility or an inability to use the speech mechanism, which significantly interferes with communication and attracts adverse attention.
- **Abnormal Voice** – A student is eligible for voice therapy by a speech and language specialist when there is a persistent defective voice quality, pitch or loudness.

- **Fluency Disorder** – A pupil has a fluency disorder when the flow of verbal expression including rate and rhythm adversely affects communication between the student and listener.
- **Language Disorder** – The student has an expressive language disorder when he or she meets one of the following criteria:
 - ❖ The student scores at least 1.5 standard deviations below the mean or below the 7th percentile for his or her chronological age or developmental level on two or more standardized tests in one or more of the following areas of language development: morphology, syntax, semantics, or pragmatics.
 - ❖ The student scores at least 1.5 standard deviations below the mean or the score is below the 7 percentile for his or her chronological age or developmental level on one or more standardized tests in one of the areas listed above and displays inappropriate or inadequate usage or expressive and receptive language as measured by a representative spontaneous or elicited language sample of a minimum of fifty utterances.

What Criteria Do I Use For Determining Eligibility For Visually Impaired?

Must meet all of the following criteria:

- Student has a visual impairment, as determined by an eye specialist and educators.
- Even with correction, condition results in either one or both of the following:
 - ❖ The handicapping condition markedly reduces the ability of the student to learn academic material presented in a modified regular education setting.
 - ❖ The handicapping condition markedly reduces the student's ability to function in the non-academic areas of a modified regular education setting.

What Criteria Do I Use For Determining Eligibility For Orthopedically Impaired?

Must meet both of the following criteria:

- Student has severe orthopedic impairment caused by congenital abnormality, disease or other causes, as determined by medical evaluation.
- The orthopedic impairment results in either one or both of the following:
 - ❖ The handicapping condition markedly reduces the ability of the pupil to learn academic material presented in a modified regular education setting.
 - ❖ The handicapping condition markedly reduces the student's ability to function in the non-academic areas of modified regular education setting.

What Criteria Do I Use For Determining Eligibility For Other Health Impaired?

- Demonstrated, as determined by medical evaluation, one or more of the following:
 - ❖ Limited strength
 - ❖ Limited vitality
 - ❖ Limited alertness
- Condition, as determined by medical evaluation, must be either one or the other of the following:
 - ❖ Chronic
 - ❖ Acute
- Must be a non-temporary health problem
- The problem must result in one or both of the following:
 - ❖ The handicapping condition adversely affects the student's educational performance in listening comprehension, oral expression, basic reading skills, reading comprehension, written expression, math calculations or math reading.

- ❖ The handicapping condition markedly reduces the student's ability to function in the non-academic areas of a modified regular education setting.

What Criteria Do I Use For Determining Eligibility For Autistic-Like Behaviors?

Must exhibit any combination of the following, to include but not limited to:

- An inability to use oral language for appropriate communication.
- A history of extreme withdrawal or relating to people inappropriately and continued impairment in social interaction from infancy through early childhood.
- An obsession to maintain sameness.
- Extreme preoccupation with objects or inappropriate use of objects or both.
- Extreme resistance to controls.
- Displays peculiar motoric mannerisms and motility patterns.
- Self-stimulating, ritualistic behavior.

What Criteria Do I Use For Determining Eligibility For Intellectual Disabilities/Limited Cognitive Functioning (Mild, Moderate And Severe)?

Must meet all:

- Significantly below average general intellectual functioning.
- Concurrent deficits in adaptive behavior.
- Manifested during the developmental period of birth up to nine years.
- The intellectual disability results in one and/or both of the following:
 - ❖ The handicapping condition markedly reduces the ability of the pupil to learn academic material presented in a modified regular education setting.
 - ❖ The handicapping condition markedly reduces the student's ability to function in the non-academic areas of a modified regular education setting.

What Criteria Do I Use For Determining Eligibility For Multiple Disabilities?

Federal Regulations (34 CFR 300.8) define multiple disabilities as: concomitant impairments (such as intellectual disability-blindness or intellectual disability-orthopedic impairment), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments.

'Multiple disabilities' does not include deaf-blindness (because it has its own disability category). Thus under the federal definition, SLD-SLI or ED-SLD would not be examples of a multiple disability since it is unlikely that the combination of these disabilities would result in such severe educational need that the education of the child would have to be conducted in a separate special education program that was uniquely designed to meet the needs of the student as a result of this combination of disabilities.

What Criteria Do I Use For Determining Eligibility For Emotionally Disturbed?

Because of a serious emotional disturbance, a student exhibits one or more of the characteristics described as follows:

- An inability to learn which cannot be explained by intellectual, sensory or health factors.
- An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
- In appropriate types of behavior or feelings under normal circumstances exhibited in several situations.

- A general pervasive mood of unhappiness or depression.
- A tendency to develop physical symptoms or fears associated with personal or school problems.

Characteristics identified from the list above must have been demonstrated over a long period of time to a marked degree, and have adversely affected educational performance.

The term emotionally disturbed does not include children:

- Who are socially maladjusted
- Unless it is determined that they are also emotionally disturbed.

What Criteria Do I Use For Determining Eligibility For Traumatic Brain Injury?

- The child has acquired an injury to the brain caused by an external physical force.
- Resulting in total or partial disability and/or psychosocial impairment.
- Causes impairment in one or more areas:
 - ❖ Cognition
 - ❖ Memory
 - ❖ Attention
 - ❖ Reasoning
 - ❖ Abstract thinking
 - ❖ Judgment
 - ❖ Problem solving
 - ❖ Language/speech
 - ❖ Sensory
 - ❖ Perceptual
 - ❖ Motor abilities
 - ❖ Psychosocial behavior
 - ❖ Physical
- Does not apply to brain injuries that are congenital, degenerative, or induced by birth trauma.

What Criteria Do I Use For Determining Eligibility For Specific Learning Disabilities?

Must meet all:

- Student has a disorder in one or more of the basic psychological processes involved in understanding or using spoken and written language.
- Student has a severe discrepancy between ability and achievement.
- The discrepancy shall not be primarily the result of limited school experience or poor school attendance.
- The decision as to whether or not a severe discrepancy exists shall be made by the IEP Team, including assessment personnel in accordance with Section 56034(d), which takes into account all relevant material, which is available on the student.

According to EC 56337A specific learning disability, as defined in Section 1401(30) of Title 20 of the United States Code, means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or perform mathematical calculations. The term "specific learning disability" includes conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. That term does not include a learning problem that is primarily the result of visual, hearing, or motor disabilities, of intellectual disabilities, of emotional disturbance, or of environmental, cultural, or economic disadvantage. Notwithstanding any other provision of law and pursuant to Section 1414(b)(6) of Title 20 of the United States Code, in determining whether a pupil has a specific learning disability, a local educational agency is not required to take into consideration whether a pupil has a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation, or mathematical reasoning. In determining whether a pupil has a specific learning disability, a local educational agency may use a process that determines if the pupil responds to

scientific, research-based intervention as a part of the assessment procedures described in Section 1414(b)(2) and (3) of Title 20 of the United States Code and covered in Sections 300.307 to 300.311, inclusive, of Title 34 of the Code of Federal Regulations.

Before a student is determined to have SLD, the findings must show that they are not primarily a result of other factors or disabilities, such as visual, hearing or orthopedic disability, intellectual disability, emotional disturbance, cultural factors, environmental or economic disadvantage, limited-English proficiency.

What Criteria Do I Use For Determining Eligibility For A Student Suspected Of Having, Or Diagnosed With, Attention Deficit Disorder (ADD) Or Attention Deficit Hyperactive Disorder (ADHD)?

If the student has been diagnosed by a medical doctor as having ADD or ADHD, and through assessment it has been determined special education services and/or related services are required to access the general education curriculum and environment, the assessment team may consider the eligibility requirements listed above under Other Health Impairment.

If the student has not been diagnosed by a medical doctor, but is suspected of having ADD or ADHD as determined through assessments conducted for determination of eligibility, the assessment team may consider the eligibility requirements listed above under Emotional Disturbance or Specific Learning Disability.

Under both of the conditions listed above, the student suspected or diagnosed with ADD or ADHD must still meet the eligibility requirements listed in Title 5, CCR §3030 to qualify for special education services (EC §56339).

Can I Use A Response To Instruction And Intervention (RtI²) Model To Determine Eligibility For Specific Learning Disabilities (SLD)?

The federal law provides direction for determining the existence of a specific learning disability (SLD). The evaluation team may determine that a student has a specific learning disability if the student does not achieve adequately for the student's age or to meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the child's age or State-approved grade-level standards:

- 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.

Another option is the student does not make sufficient progress to meet age or State-approved grade-level standards in one or more of the areas listed above when using a process based on the child's response to scientific, research-based intervention to identify a specific learning disability. With using appropriate assessments, the evaluation team determines that its findings are not primarily the result of:

- i. A visual, hearing, or motor disability;
- ii. Intellectual disability;
- iii. Emotional disturbance;

- iv. Cultural factors;
- v. Environmental or economic disadvantage; or
- vi. Limited English proficiency.

To ensure that underachievement in a student suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the evaluation team must consider, as part of the evaluation:

- Data that demonstrate that prior to, or as a part of, the referral process, the child was provided appropriate instruction (core and/or intervention) in general education settings, delivered by qualified personnel
- Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was reviewed for patterns of strengths and weakness, and provided to the child's parents
- Appropriate time was provided for the instruction or intervention

The public agency must promptly request parental consent to evaluate the child to determine if the child needs special education and related services, and must adhere to the timeframes described in the section above "What Are the Assessment Timelines?".

How Do I Use RtI² During The Evaluation Process For A Suspected SLD?

The information collected through the RtI² process will assist the evaluation team in making the final decision on if the student meets the eligibility requirements of a student requiring special education services. The data gathered will provide information regarding the lack of progress evident across multiple interventions applied with increasing levels of intensity. This evidence may substantiate a student's need for resources or supports that are usually not available in the general education environment in order to support or sustain progress. It will also provide evidence that the student was having difficulty demonstrating the academic skills necessary for success in the general education environment.

In order to make an evaluation decision, the following information should be provided to the evaluation team:

- Student's individual performance on formative measures, curriculum-based measures, teacher based observations and parent reports
- Tier 2 intervention plan (developed by collaborative team for all students needing additional interventions)
- Progress Monitoring data from the Tier 2 interventions, including student work samples
- Individual Student Intervention Plan developed during the Problem Solving Team Process (i.e. EMT Team) and accompany data from the monitoring process

By using the data gathered through progress monitoring component of the RtI² process, the evaluation team can determine if the difficulties the student is experiencing are due to the presence of a specific learning disabilities (SLD). Student's with SLD fail to make significant improvement when provided with appropriate intervention and will continue to demonstrate low achievement at the end of the intervention period. The data gathered from the RtI² process will assist with identifying the overall effectiveness of the intervention as well as substantiating that the student's skill level is below those of their peers.

In addition, students must meet the following criteria to be considered for an evaluation to determine SLD eligibility:

- Low achievement
- Lack of progress

- Role of exclusionary factors
- Determination that the student has received appropriate instruction
- Need for special education and related service

Rtl² helps with determining if exclusionary factors are the primary cause for lack of progress. Appropriate instruction being provided to students from diverse backgrounds must be culturally responsive. Local data should be gathered to determine effectiveness of the intervention programs and strategies in relation to meeting the needs of limited-English proficient students and environmentally/economically disadvantaged students. This data will be used to determine if the student with SLD fails to progress at the same rate and/or level as their peers.

The United State Department of Education (USDOE) Office of Special Education Programs (OSEP) provides further guidance. OSEP states that a comprehensive evaluation still needs to be conducted for determining SLD. What this means is:

- The Rtl² process does not replace the need for a comprehensive evaluation; Rtl² is one component of the evaluation process.
- Over and above the Rtl² process, a variety of data gathering tools and strategies will need to be used, because no one single procedure can be used as the sole criterion for determining eligibility (EC 56320(e)).

What Are The Rtl² Specific Learning Disability Criteria?

The following guidelines provide teams the guidance necessary to determine SLD eligibility through an *Rtl²* model. A student may be in need of special education services if the evaluation team determines **all** of the following:

1. **Exclusionary** factors are ruled out as impacting the student's current level of performance.
2. **Instructional** factors have been ruled out as the cause for the student's current level of performance and the student clearly has a **need** for specialized services. This is demonstrated by:
 - a. The team concludes the student received appropriate instruction in the general education setting:
AND
 - b. The team concludes the student's academic under-achievement is not due to a lack of appropriate instruction as assessed by the student's failure to show sufficient progress despite being provided appropriate and instructionally matched intervention(s):
AND
 - c. The student requires highly specialized or more intensive services to show progress.
3. The student demonstrates a specific learning disability by achieving in an academic area at a significantly unexpected level: This is demonstrated by:
 - a. Performance at or below the 7th percentile (\pm confidence interval) on an individually administered, nationally normed assessment (e.g., WIAT, WJ-Ach).
 - b. Identify processing deficit to assist with instructional planning and delivery of specialized services

When using Rtl² for determining special education eligibility for SLD, it is a federal mandate that all assessment procedures be implemented as listed in Riverside County SELPA's Assessment Procedures.

Triennial Reevaluations

A reassessment of the pupil shall be conducted at least every three years or more frequently, if conditions warrant, or if the pupil's parent or teacher requests a new assessment and a new individualized education program to be developed. (EC Section 56381(a))

As part of any reassessment, the individualized education program team and other qualified professionals, as appropriate, shall do the following:

- 1) Review existing assessment data on the pupil, including assessments and information provided by the parent(s) of the pupil, as specified in clause (i) of paragraph (1) of subsection (a) of Section 300.304 of Title 34 of the Code of Federal Regulations, current classroom-based assessments and observations, and teacher and related service providers' observations.*

In accordance with paragraph (3) of subsection (a) of Section 300.300 of Title 34 of the Code of Federal Regulations, parental consent is not required before reviewing existing data as part of an assessment or reassessment, or before administering a test or other assessment that is administered to all children, unless before administration of that test or assessment, consent is required of the parents of all the children. (EC 56321(e))

- 2) On the basis of the review conducted pursuant to paragraph (1), and input from the pupil's parent(s), identify what additional data, if any, is needed to determine:
 - a. Whether the pupil continues to have a disability described in paragraph (3) of Section 1401 of Title 20 of the United States Code.*
 - b. The present levels of performance and educational needs of the pupil.*
 - c. Whether the pupil continues to need special education and related services.*
 - d. Whether any additions or modifications to the special education and related services are needed to enable the pupil to meet the measurable annual goals set out in the individualized education program of the pupil and to participate, as appropriate, in the general curriculum. (EC Section 56381(b))**

If the individualized education program team and other qualified professionals, as appropriate, determine that no additional data is needed to determine whether the pupil continues to be an individual with exceptional needs, the district, special education local plan area, or county office shall notify the pupil's parent(s) of that determination and the reasons for it, and the right of the parent(s) to request an assessment to determine whether the pupil continues to be an individual with exceptional needs; however, the district, special education local plan area, or county office shall not be required to conduct an assessment unless requested by the pupil's parent(s). (EC Section 56381(d))

A reassessment may not be conducted, unless the written consent of the parent(s) is obtained prior to reassessment, except pursuant to subdivision (e) of Section 56506. Pursuant to paragraphs (1) and (2) of subsection (c) of Section 300.300 of Title 34 of the Code of Federal Regulations, informed parental consent need not be obtained for the reassessment of an individual with exceptional needs if the local educational agency can demonstrate that it has taken reasonable measures to obtain that consent and the child's parent(s) has failed to respond. To meet the reasonable measure requirements of this subdivision, the local educational agency shall

use procedures consistent with those set forth in subsection (d) of Section 300.322 of Title 34 of the Code of Federal Regulations. (EC Section 56381(f))

The individualized education program team and other qualified professionals may conduct the review without a meeting. (EC Section 56381(g))

The SELPA has developed *Determination of Need for Triennial Review Evaluation*, to assist with the triennial assessment. With these worksheets, the IEP team is able to obtain the data required by the Education Code to make the determination if further formal assessment is needed or if the child continues to meet eligibility for special education services. The informal review process for determining continued eligibility is generally used only when sufficient history and evidence exist that indicates continued eligibility and need for special education services and supports. If ineligibility is suspected or the available data is insufficient, a more formal assessment process would be appropriate.

Please see the IEP Forms Manual for specific information in completing these forms.

Other Types of Assessments

The Riverside County SELPA has guidelines and/or procedures to support the LEAs with addressing the following assessment areas:

- Preschool Guidelines for information on Preschool to K or 1st Assessment
- Behavior Guidelines for Functional Behavior Assessment, Functional Analysis Assessment and Behavior Intervention Plans
- IEE Guidelines for information on Independent Educational Evaluations
- English Learner Guidelines
- Guidelines for Assessing African-American Students
- Related Services Independence Assistance
- Assistive Technology
- Determination of Need for Triennial Review Evaluation
- Community Resources for Information regarding:
 - Southern California Diagnostic Center
 - Inland Regional Center (IRC)
 - California Children Services (CCS)
 - Department of Rehabilitation (DOR)
 - State Schools
 - RCOE – VI and Audiological Services

Criteria For Exiting Special Education Services

When a child no longer meets the eligibility requirements as described in the Eligibility Criteria Sections or their instruction, services, or both, which can be provided with modification of the regular school program they will be exited from special education. (EC 56026)

What Is The Criteria For Exiting A Student From Special Education At The Age Of Twenty-Two (22)?

According to EC 56026:

- (A) Any person who becomes 22 years of age during the months of January to June, inclusive, while participating in a program under this part may continue his or her*

- participation in the program for the remainder of the current fiscal year, including any extended school year program for individuals with exceptional needs.*
- (B) Any person turning 22 years of age in July, August, or September of that new fiscal year otherwise eligible to participate in a program shall not be allowed to begin a new fiscal year in a program. However, if a person is in a year-round school program and is completing his or her individualized education program in a term that extends into the new fiscal year, then the person may complete that term.*
 - (C) Any person who becomes 22 years of age during the months of October, November, or December while participating in a program shall be terminated from the program on December 31 of the current fiscal year, unless the person would otherwise complete his or her individualized education program at the end of the current fiscal year.*
 - (D) No school district, special education local plan area, or county office of education may develop an individualized education program that extends these eligibility dates, and in no event may a pupil be required or allowed to attend school under the provisions of this part beyond these eligibility dates solely on the basis that the individual has not met his or her goals or objectives.*

What Is The Exit Criteria For Students Who Meet High School Graduation Requirements?

According to EC 56026.1:

An individual with exceptional needs who graduates from high school with a regular high school diploma is no longer eligible for special education and related services. A "regular high school diploma" means a diploma conferred on a pupil who has completed a prescribed course of study and has met the standards of proficiency in basic skills prescribed by the governing board of the school district.

What Are The Requirements For Dismissing/Exiting A Student Who No Longer Meets Eligibility For Special Education Services?

Before determining that the individual is no longer an individual with exceptional needs, a local educational agency shall assess the individual in accordance with Section 56320 and this section, as appropriate, and section 300.532 and 300.533 of Title 34 of the Code of Federal Regulations, pursuant to paragraph (1) of subsection (C) of Section 300.534 of Title 34 of Code of Federal Regulations (EC 56381(H)).

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