

Special Education Process:

**From Child-Find, Referral, Evaluation, and Eligibility
To IEP Development, Annual Review and Reevaluation**



**Companion Document to NJOSEP Code Trainings
October/November 2006**

**Updated
March 2007**

Process to Determine Eligibility for Special Education and Related Services

CHILD-FIND

CHILD-FIND FOR PRESCHOOL

For preschool age students enrolled in early childhood programs, the child-find obligations, including evaluation for eligibility for special education and related services shall be the responsibility of the district of residence of the parent of the student.[3.3(a)2i]

CHILD-FIND FOR NON- PUBLIC

For nonpublic elementary or secondary school students, the child-find obligations shall be the responsibility of the district of attendance.[3.3(a)2ii]

PREREFERRAL

INTERVENTIONS IN GENERAL EDUCATION

Interventions in the general education setting shall be provided to students exhibiting academic difficulties and shall be utilized, as appropriate, prior to referring a student for an evaluation of eligibility for special education and related services. [3.3(b)]

Within Abbott districts, the system of assessment and interventions within general education programs according to N.J.A.C. 6A:10A-3.1 shall be implemented for all students who have reading as their primary area of difficulty.[3.3(b)1]

The staff of the general education program shall maintain written documentation, including data setting forth the type of interventions utilized, the frequency and duration of each intervention, and the effectiveness of each intervention. [3.3(c)]

REFERRAL

Written request for initial evaluation
submitted to the child study team

When it is determined through analysis of relevant documentation and data concerning each intervention utilized that interventions in the general education program have not adequately addressed the educational difficulties, and it is believed that the student may have a disability, the student shall be referred for an evaluation to determine eligibility for special education programs and services. [3.3(c)1]

A direct referral to the child study team may be made when it can be documented that the nature of the student's educational problem(s) is such that evaluation to determine eligibility for special education services is warranted without delay. [3.3(d)]

Referrals may be submitted by instructional, administrative and other professional staff of the local school district, parents and state agencies, including the New Jersey Department of Education, concerned with the welfare of students. [3.3(a)3ii]

TRANSITION FROM EARLY INTERVENTION

TRANSITION FROM EI TO PRESCHOOL 3.3(e)1

To facilitate the transition from early intervention to preschool, a child study team member of the district board of education shall participate in the preschool transition planning conference arranged by the designated service coordinator from the early intervention system . The district representative at the transition planning conference shall:

Review the Part C Early Intervention system
Individualized Family Service Plan;

Provide parents with written district registration requirements;

Provide parents written information on available district programs for preschoolers, including options available for placement in general education classrooms; and

Provide the parent a form to utilize to request that the district board of education invite the Part C service coordinator from the Early Intervention System to the initial IEP meeting for a child after a determination of eligibility.

IDENTIFICATION

Deciding whether to evaluate:

NOTICE OF A MEETING

Parent (and adult student)¹ is provided notice of a meeting to determine need for evaluation. The notice includes a copy of the procedural safeguards statement, *Parental Rights in Special Education* (PRISE).

¹Adult student means a person who has attained age 18, **is not** under legal guardianship and who is entitled to receive educational programs and services in accordance with federal or state law or regulation. For convenience, the term adult student is understood whenever the term parent is used.

MEETING

Convened within 20 calendar days² of receipt of written request by the district to determine whether an evaluation is warranted.

**PARTICIPATION
THROUGH
ALTERNATIVE
MEANS
2.3(k)4**

Meetings shall be scheduled at a mutually agreed upon time and place. If a mutually agreeable time and place cannot be determined, the parent(s) shall be provided the opportunity to participate in the meeting through alternative means, such as videoconferencing and conference calls.

**PARTICIPANTS
3.3(e); 3.3(e)3
S – 5
S - 9 to 11**

Parent
Child study team
General education teacher of the student who is knowledgeable of the student's educational performance or if there is no teacher of the student, a teacher who is knowledgeable about the district's programs; and
Speech-language specialist when the student is preschool age or when the suspected disability is a language disorder

**REVIEW DATA
3.4(a)1**

S13

Review existing evaluation data on the student including evaluations and information provided by the parents, current classroom-based assessments and observations and observations of teachers and related services providers, and consider the need for any health appraisal or specialized medical evaluation.

² Excluding school holidays, but not summer vacation

When an evaluation is not warranted:

Determine other appropriate action. [3.3(e)]

**WRITTEN NOTICE
S-4**

Within 15 calendar days of the meeting, the parent provided with:

Written notice of the determination that the evaluation is not warranted and:

A copy of the **short procedural safeguards statement**; and

Copies of the **special education rules** (N.J.A.C. 6A:14) and the **due process hearing rules** (N.J.A.C. 1:6A)

**DISAGREEMENT
2.3(h)3ii**

The parent may disagree with the determination by requesting mediation or a due process hearing.

When an evaluation is warranted:

The student shall be considered identified as potentially a student with a disability.-

A case manager shall be assigned.

EVALUATION

The screening (i.e., testing) of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services. [3.4(d)]

Deciding the evaluation:

PARTICIPANTS 3.3(e) S-5 S-9 to 11	Parent Child study team General education teacher Speech-language specialist <u>as an additional member,</u> when required
DETERMINATIONS S-13, S-16 3.4(a)3	Nature and scope of the evaluation Which child study team members and/or specialist(s) shall <u>conduct each assessment that is part of the evaluation</u>
WRITTEN NOTICE	Within 15 calendar days of the meeting, parent provided with: Written notice of the determination(s) and proposed action(s): The evaluation is warranted; The student is considered identified as potentially a student with a disability; The nature and scope of evaluation; A request for written consent from the parent. When the student is an adult student, consent is obtained from the adult student; A copy of the short procedural safeguards statement; and

**OBTAINING
CONSENT**

Copies of the **special education rules** (*N.J.A.C. 6A:14*) and the **due process hearing rules** (*N.J.A.C. 1:6A*) Parent must be given the opportunity to consider the proposed initial evaluation for up to 15 calendar days before providing consent. The parent may provide consent sooner.

If the parent has not provided consent within 15 calendar days, and the district and parent have not agreed to other action, the district may request a due process hearing according to 2.3(c). If the district chooses not to file for a due process hearing to obtain consent for an initial evaluation, the district is not violation of its child find obligation or its obligation to evaluate the student.

TIMELINES

When consent for initial evaluation is granted, the evaluation shall be conducted without delay [2.3(d)].



90 day clock begins

After consent for initial evaluation has been received, the evaluation, determination of eligibility for services, and, if eligible, the development and implementation of the IEP are completed within 90 calendar days.

If the parent repeatedly fails or refuses to produce the child for the evaluation, the time period above shall not apply. [3.4(e)1]

If a child enrolls in the school of a district board of education after an initial evaluation was undertaken by another district board of education, but before it was completed, and the **new** district is making progress so

as to ensure a prompt completion of the evaluation, and the district and parent agree to a specified modified timeframe for completing the evaluation, the agreed-upon timeframe for completing the evaluation shall be applied.[3.4(e)2]

Assessments are conducted.

ELIGIBILITY

When the assessments are completed, a written report of the results of each assessment is prepared. A copy of the evaluation report(s) and documentation and information that will be used for a determination of eligibility shall be given to the parent not less than 10 calendar days prior to the meeting. [3.5(a)]

NOTICE OF A MEETING

Parent is provided notice of meeting to determine student eligibility for special education and related services, and if eligible develop an IEP. Meetings to determine eligibility and develop an IEP shall, if feasible, be combined as long as the requirements for notice of a meeting are met. [2.3(k)]

PARTICIPANTS

2.3(k)1

S- 5

S - 9 to 11

Eligibility is determined collaboratively by:

Parent;

A **teacher** who is knowledgeable about the student's educational performance or, if there is no teacher who is knowledgeable about the student's educational performance, a teacher who is knowledgeable about the district's programs;

The **student** where appropriate;

At least one **child study team member** who participated in the evaluation;

The **case manager**;

Other **appropriate individuals** at the discretion of the parent or school district; and

For an initial eligibility meeting, certified school personnel referring the student as potentially a student with a disability, or the school principal or designee if they choose to participate.

Making the determination of eligibility:

A student shall not be determined eligible if the determinant factor is due to a lack of instruction in reading, including the essential components of reading instruction, or math, or due to limited English proficiency. [3.5(b)]

A student shall be determined eligible and classified “eligible for special education and related services” when:

- ◆ The student has one or more of the disabilities defined in 6A:14-3.5(c)1-14;
- ◆ The disability adversely affects the student’s educational performance; and
- ◆ The student is in need of special education and related services.

**CERTIFICATION
3.4(h)5**

Each team member shall certify in writing whether his or her report is in accordance with the conclusion (determination) of eligibility of the student. If his or her report does not reflect the

conclusion of eligibility, the team member must submit a separate statement presenting his or her conclusions.

When the student is not eligible:

WRITTEN NOTICE

Within 15 calendar days of the meeting, parent provided with:

Written notice of the determination that the student is ineligible for special education and related services; and

A copy of the **short procedural safeguards statement**.

DISAGREEMENT

The parent may disagree with the determination by requesting mediation or a due process hearing or an independent education evaluation.

**INDEPENDENT
EVALUATION
2.5(c)1-8
S-17**

If a parent seeks an independent evaluation in one or more areas **not assessed** as part of an initial evaluation or reevaluation, the school district shall first have the opportunity to conduct the requested evaluation **(assessment)**.

The school district shall determine within ten (10) days of receipt of the request for an independent evaluation whether to conduct the evaluation(s) **(assessments)**, and notify the parent of its determination. If the school district determines that it will conduct the evaluation(s) (assessments) first, the school district will obtain consent. If the parent will not provide consent, the district should inform the parent that the parent may still obtain an independent evaluation but not at public expense.

When the student is eligible, develop the Individualized Education Program (IEP):

INDIVIDUALIZED EDUCATION PROGRAM

PARTICIPANTS
2.3(k)2
S- 5
S- 9 to 11

IEP developed at a meeting by the IEP team which shall include the following participants:

The parent;

Not less than one general education teacher of the student, if the student is or may be participating in the general education classroom;

If the student has no general education teacher, a general education teacher who is knowledgeable about the district's programs;

Not less than one special education teacher of the student, or where appropriate, not less than one special education provider;

If there is no special education teacher or special education provider, a special education teacher or provider who is knowledgeable about the district's programs;

At least one child study team member who can interpret the instructional implications of evaluation results;

The case manager;

A representative of the district board of education who:

Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities;

Is knowledgeable about the general education curriculum;

Is knowledgeable about the availability of resources of the district board of education; and

Shall be the child study team member or other appropriate personnel including the special education administrator or principal;

At the discretion of the parent or school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate;

The student where appropriate;

At the request of the parent, the Part C Service Coordinator for a student transitioning from Part C to Part B; and

If a purpose of the meeting is to consider transition services, the student with disabilities and a representative of any other agency that is likely to be responsible for providing or paying for transition services shall be invited to attend the IEP meeting.

AUDIO-TAPING

Participants at the IEP meeting shall be allowed to use an audio-tape recorder during the meeting provided notification is given to the other participants prior to the start of the meeting that such a device is being utilized.

EXCUSAL FROM
AN IEP TEAM
MEETING
2.3(k)9, 10

For a **required** member of the IEP team whose area of the curriculum or related services is **not being modified or discussed**, such IEP team member may be excused from participation in the meeting, in whole

or in part, provided the parent and district board of education agree that the IEP team member need not attend the meeting and the parent consents to such excusal in writing.

For a **required** member of the IEP team whose area of the curriculum or related services **is being modified or discussed**, such IEP team member may be excused from participation in the meeting, in whole or in part, provided the parent and district board of education agree that the IEP team member need not attend the meeting, **the team member provides written input to the parent and the IEP team**, and the parent consents to excusal in writing. The written input shall be provided to the parent with notice of the IEP meeting date.

WRITTEN NOTES
COPY OF IEP
3.7(I)

Either a copy of the IEP or written notes setting forth agreements with respect to the IEP as determined by the IEP team shall be provided to the parents at the conclusion of the meeting.

WRITTEN NOTICE

Within 15 calendar days of the meeting, parent provided:

Written notice of the determination(s) and proposed actions including:

Eligibility;
Proposed individualized education program;
Proposed educational placement;

A request for written consent from the parent; and

A copy of the short procedural safeguards statement.

CONSIDERATION

The parent may consider the determination of eligibility and the proposed program for up to 15 calendar days.

After 15 calendar days the student is considered "Eligible for Special Education and Related Services," if

the parent did not disagree by requesting mediation or a due process hearing.

**OBTAINING CONSENT
2.3(c)**

When a parent refuses to provide consent for implementation of the initial IEP, no IEP shall be finalized and the district board of education may not seek to compel consent through a due process hearing.

If a parent refuses special education and related services on behalf of a student, the district board of education shall not be determined to have denied the student a free, appropriate public education, nor shall it be determined in violation of its child-find obligation solely because it failed to provide special education and related services.

NOTE:

A public agency may not use a parent's refusal to consent to one service or activity ...to deny the parent or child any other service, benefit, or activity...34 CFR §300.300(d)(3)

If the parent and the district agree to certain provisions of the proposed program, the parent may sign consent to implement the agreed upon IEP provisions. The parent has the option to request a due process hearing regarding those provisions of the IEP that are in dispute.

When parental consent is granted, the IEP is implemented as soon as possible following the IEP meeting and within 90 calendar day timeline.

The district board of education shall provide the parent with the opportunity to observe the proposed educational placement, including the general education setting, special class programs and out-of-district placements in a program operated by another district board of education or a private school placement, prior to implementation of the IEP. [4.1(k)]

The district shall maintain documentation that the student's teacher(s) and provider(s), as applicable, have been informed of their specific responsibilities related to implementing the student's IEP. [3.7(a)3]

ANNUAL REVIEW

NOTICE OF A MEETING Parent is provided notice of meeting to review and revise IEP. The notice includes a copy of PRISE

Annually, or more often if necessary, the IEP team shall meet to review and revise the IEP and determine placement.

PARTICIPANTS Annual review participants include:

2.3(k)2

S – 5

S – 9 to 11

The parent;

Not less than one general education teacher, if the student is or may be participating in the general education classroom;

If the student has no general education teacher, a general education teacher who is knowledgeable about the district's programs;

Not less than one special education teacher, or where appropriate, at least one special education provider;

If there is no special education teacher or special education provider, a special education teacher or provider who is knowledgeable about the district's programs;

At least one child study team member who can interpret the instructional implications of evaluation results;

The case manager;

A representative of the district board of education who:

Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities;

Is knowledgeable about the general education curriculum;

Is knowledgeable about the availability of resources of the district board of education; and

Shall be the child study team member or other appropriate personnel including the special education administrator or principal;

At the discretion of the parent or school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate;

The student where appropriate; and

If a purpose of the meeting is to consider transition services, the student with educational disabilities and a representative of any other agency that is likely to be responsible for providing or paying for transition services shall be invited to attend the IEP meeting.

REVIEW OF DATA

The IEP team shall review:

Any lack of expected progress toward the annual goals and in the general curriculum, where appropriate;

The results of any reevaluation;

Information about the student including information provided by the parents, current classroom based assessments and observations, and the observations of teachers and related service providers;

The student's anticipated needs; or

Other relevant matters.

For those students in a separate setting, the IEP team shall, on an annual basis, consider activities necessary to transition the student to a less restrictive placement [3.7(k)]

WRITTEN NOTICE **Within 15 calendar days of the meeting,** parent is provided with:

Written notice of the proposed actions:

The proposed individualized education program; and
The proposed educational placement;

A copy of the short procedural safeguards statement.

CONSIDERATION Parent is provided 15 calendar days to consider implementation of the revised IEP. The parent may agree in writing to implement the IEP sooner.

IMPLEMENTATION
2.3(h)3 The IEP may be implemented after 15 calendar days, if the parent did not disagree by requesting mediation or a due process hearing.

AMDENDING
3.7(d)1-4 The IEP may be amended without a meeting of the IEP team when:

The parent makes a written request to the district board of education for a specific amendment to a provision or provisions of the IEP and the district agrees, provides written notice and obtains parental consent in writing;

The school district provides the parent a written proposal to amend a provision or provisions of the IEP and, within 15 days from the date the written proposal is provided to the parent, the parent consents in writing to the proposed amendment;

All amendments shall be incorporated in an amended IEP or an addendum to the IEP, and a copy of the amended IEP or addendum shall be provided to the parent within 15 days of receipt of parent consent by the school district. All members of the IEP team that participated in the development of the IEP that was amended must be informed in writing of the change(s) to the IEP. In addition, all teachers and providers whose duties are altered by an amendment of an IEP must be informed of their new responsibilities for implementation of the IEP; and

If an IEP is amended, such amendment shall not affect the requirement that the IEP team review the IEP at a meeting annually, or more often if necessary.

REEVALUATION

Within three years of previous classification, a multi-disciplinary reevaluation shall be completed to determine whether the student continues to be a student with a disability.

Reevaluation shall be conducted sooner if conditions warrant or if the student's parent or teacher requests the reevaluation. However, a reevaluation shall not be conducted prior to the expiration of one year from the date the parent is provided written notice of the determination with respect to eligibility in the most recent evaluation or reevaluation, unless the parent and the district both agree that a reevaluation prior to the expiration of one year as set forth above is warranted. [3.8(a)]

If a parent provides written consent and the district board of education agrees that a reevaluation is unnecessary, the reevaluation may be waived. If a reevaluation is waived, the date of the parent's written consent shall constitute the date upon which the next three year period for conducting a reevaluation shall commence. [3.8(a)1]

Reevaluation shall be conducted when a change in eligibility is being considered, except when a student graduates or reaches age 21. [3.8(d)]

When a reevaluation is conducted sooner than three years from the previous evaluation, the reevaluation shall be completed in accordance with the timeframes in subsection 3.8(e).

Unless the parent and the district board of education agree to waive a reevaluation, all requirements for performing a reevaluation shall, as applicable, be completed within 60 days of the date the parent provides consent for the assessments to be conducted as part of the reevaluation or by the expiration of the three year timeframe from completion of the prior evaluation or reevaluation, whichever occurs sooner.[3.8(e)]

NOTICE OF A MEETING

Parent is provided notice of meeting to review data and determine nature and scope of the reevaluation. The notice includes the short procedural safeguards statement.

PARTICIPANTS

2.3(k)2

S - 5

S -9 to 11

Data shall be reviewed by and the nature and scope of the reevaluation shall be determined by the IEP team which shall include the following participants:

The parent

At least one child study team member who can interpret the instructional implications of the evaluation results;
Not less than one general education teacher, if the student is or may be participating in the general education classroom;

If the student has no general education teacher, a general education teacher who is knowledgeable about the district's programs;

Not less than one special education teacher, or where appropriate, at least one special education provider;

If there is no special education teacher or special education provider, a special education teacher or special education provider who is knowledgeable about the district's programs;

The case manager;

A representative of the district board of education who:

Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities;

Is knowledgeable about the general education curriculum;

Is knowledgeable about the availability of resources of the district board of education; and

Shall be the child study team member or other appropriate personnel including the special education administrator or principal;

At the discretion of the parent or school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate; and

The student, where appropriate.

MEETING

The IEP team shall determine the nature and scope of the reevaluation according to the following:

REVIEW OF DATA

The IEP team shall review existing data and shall identify what additional data, if any are needed to determine:

Whether the student continues to have a disability;

The present levels of academic achievement and functional performance and educational and related developmental needs of the student;

Whether the student needs special education and related services, and the academic, developmental, functional and behavioral needs of the student and how they should be appropriately be addressed in the students' IEP; and

Whether any additions or modifications to the special education and related services are needed to enable the student with a disability to meet annual goals set in the IEP and to participate, as appropriate, in the general education curriculum.

When the IEP team determines that no additional data are needed:

**CERTIFICATION
3.4(f)5**

Each team member shall certify in writing whether his or her report is in accordance with the conclusion of eligibility of the student. If his or her report does not reflect the conclusion of eligibility, the team member

must submit a separate statement presenting his or her conclusions.

WRITTEN NOTICE

Within 15 calendar days of the meeting, the parent is provided with:

Written notice of the determinations:

Additional data are not warranted;

Continued eligibility or ineligibility (declassification);

A copy of the **short procedural safeguards statement**; and

A statement regarding the right of the parent to request an assessment to determine if the student continues to be a student with a disability.

When the IEP team determines that additional data are needed:
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WRITTEN NOTICE

Within 15 calendar days of the meeting, parent (and adult student, when applicable) provided with:

Written notice of the determinations and proposed actions:

Additional data are warranted to determine if the student continues to be a student with a disability;

The nature and scope of the proposed reevaluation including which child study team members and/or specialists shall administer tests and other assessment procedures;

A copy of the **short procedural safeguards statement**; and

A request for written consent from the parent. When the student is an adult student, consent is obtained from the adult student.

CONSIDERATION

The parent may consider the proposed reevaluation for up to 15 calendar days.

OBTAINING CONSENT

If the parent refuses to provide consent within 15 calendar days, and the district and parent have not agreed to other action, the district may request a due process hearing according to 2.3(b).

If the parent failed to respond to the request for consent for reevaluation, the district board of education can proceed with the reevaluation, if it can demonstrate that it had taken reasonable measures to obtain such consent, such as keeping detailed records of telephone calls made or attempted or maintaining copies of correspondence sent to the parents and any responses received.

Assessments are conducted.

When the assessments are completed, written report(s) are prepared. A copy of the evaluation report(s) and documentation of the eligibility shall be given to the parent at least 10 days prior to the meeting. [3.8(f)1]

NOTICE OF A MEETING

The parent is provided notice of meeting to determine whether the student continues to be a student with a disability, and if eligible, to review and revise the student's IEP.

MEETING

IEP team meets to determine whether the student continues to be a student with a disability, and if eligible, to review and revise the student's IEP.

**CERTIFICATION
3.4(f)5**

Each team member shall certify in writing whether his or her report is in accordance with the conclusion of eligibility of the student. If his or her report does not reflect the conclusion of eligibility, the team member must submit a separate statement presenting his or her conclusions.

When student is no longer eligible for special education and related services:

WRITTEN NOTICE

Within 15 calendar days of the meeting, parent is provided with:

Written notice of the determination that the student is no longer eligible for special education and related services; and

A copy of the **short procedural safeguards statement**;

CONSIDERATION

The parent may consider the results of the reevaluation and determination that the student is no longer eligible for up to 15 calendar days.

The parent may disagree with the reevaluation and the determination that the student is no longer eligible by requesting mediation or a due process hearing or by requesting an independent education evaluation.

When student continues to be eligible for special education and related services:

WRITTEN NOTICE

Within 15 calendar days of the meeting, parent is provided with:

Written notice of the determinations and proposed actions:

Continued eligibility for special education and related services;

Proposed individual education program;

Proposed educational placement;

A copy of the **short procedural safeguards statement**.

CONSIDERATION

The parent may consider the results of the reevaluation and proposed IEP for up to 15 calendar days.

The proposed IEP may be implemented after 15 days, unless the parent disagrees with the reevaluation and/or proposed IEP by requesting mediation or a due process hearing. The parent may disagree with the reevaluation by requesting an independent education evaluation.

Supplemental Handouts

◆ **Notice of Meeting
(Invitation)**



◆ **Conduct Meeting
(Event)**



◆ **Written Notice
of Proposed Action
(Photo)**



Notice of Meetings

- Purpose
- Time
- Location
- Participants



Purpose of a Meeting: Taken from DOE sample notice

- Referral for special education evaluation and, if warranted, evaluation planning
- Determination of initial eligibility for special education
- Development of an initial IEP, if the student is eligible
- Review/revision of the IEP
- Planning for transition to adult life
- Reevaluation planning
- Interpretation of evaluation/reevaluation results
- Determination of continuing eligibility for special education
- To conduct a manifestation determination
- To determine an interim alternative educational setting (IAES)

P R I S E

6A:14-2.3(g)7

- Upon referral for an initial evaluation;
- Upon request by a parent;
- First time a request for a due process hearing is submitted to the Department of Education in a school year;
- First time a request for a complaint investigation is filed with the State in a school year; and
- For a disciplinary action that will result in a change in placement.

Parental

Rights

In

Special

Education

Written Notice

Written notice is given to the parent when an action is proposed or denied either following a meeting or in response to a written parental request to initiate or change the referral, identification, classification, evaluation, educational placement or the provision of free, appropriate public education.

Components of written notice:

- A description of the action proposed or denied by the district
- An explanation of why it is taking such action
- A description of any options the district considered and the reasons why those options were rejected
- A description of the procedures, tests, records or reports and factors used by the district in determining whether to propose or deny an action
- A description of any other factors that are relevant to the proposal or refusal by the district board of education
- Procedural safeguards statement
 - Short procedural safeguards statement is required; PRISE may be given to meet the requirement. [2.3(g)7]

PARTICIPANTS AT REQUIRED MEETINGS

IDENTIFICATION/EVALUATION	ELIGIBILITY	IEP TEAM MEETING*
<p>The parent</p> <p>The general education teacher of the student who is knowledgeable about the student's educational performance or if there is no teacher of the student, a teacher who is knowledgeable about the district's programs</p> <p>Child study team (means all members)</p> <p>Speech-language specialist when the student is preschool age or when the suspected disability is a language disorder</p> <p>(Case manager is assigned when an evaluation is warranted.)</p>	<p>The parent</p> <p>A teacher who is knowledgeable about the student's educational performance or if there is no teacher who is knowledgeable about the student's educational performance, a teacher who is knowledgeable about the district's program</p> <p>At least one child study team member who participated in the evaluation</p> <p>The case manager</p> <p>Other appropriate individuals at the discretion of the parent or school district</p> <p>For initial eligibility, certified school personnel referring the student, or the school principal or designee, if they choose to participate.</p> <p>The student, where appropriate</p>	<p>The parent</p> <p>Not less than one general education teacher of the student, if the student is or may be participating in the general education classroom</p> <p>Not less than one special education teacher of the student or, where appropriate not less than one special education provider of the student</p> <p>At least one CST member who can interpret the instructional implications of the evaluation results</p> <p>The case manager</p> <p>Other appropriate individuals at the discretion of the parent or school district</p> <p>A representative of the district board of education</p> <p>The student, where appropriate</p> <p>If a purpose of the meeting is to consider transition services, the student with disabilities and a representative of any other agency that is likely to be responsible for providing or paying for transition services</p>

*IEP team meetings are convened to develop the initial IEP, conduct an annual review of the student's program and placement, plan for a reevaluation, report the results of a reevaluation and conduct a manifestation determination.

A COMPARISON OF FEDERAL AND STATE PARTICIPANTS AT IEP/REEVALUATION MEETINGS

Federal Roles/Participants	State Participants
The parent	The parent
The child, where appropriate	The student, where appropriate
A regular education teacher of such child (if the child is or may be, participating in the regular education environment)	<p>A general education teacher of the student, if the student is or may be participating in the general education classroom;</p> <p>If the student has no general education teacher, a general education teacher who is knowledgeable about the district's programs shall participate.</p>
A special education teacher or where appropriate, at least one special education provider of such child	<p>A special education teacher of the student or where appropriate, at least one special education provider of the student;</p> <p>If there is no special education teacher or special education provider of the student, a special education teacher or provider who is knowledgeable about the district's programs shall participate.</p>
<p>Agency representative</p> <p>qualified to provide or supervise the provision of specially designed instruction</p> <p>knowledgeable about the general curriculum</p> <p>knowledgeable about the availability of resources</p>	<p>A representative of the district board of education</p> <p>qualified to provide or supervise the provision of specially designed instruction</p> <p>knowledgeable about the general curriculum</p> <p>knowledgeable about the availability of resources</p> <p>Shall be the CST member or other appropriate school personnel</p>
Individual who can interpret the instructional implications of the evaluation who may be one of the district personnel	At least one CST member who can interpret the instructional implications of evaluation results
	Case manager (CST member)

PARTICIPANTS IN THE ELIGIBILITY MEETING FOR STUDENTS WITH SPEECH-LANGUAGE DISORDERS

<p>Voice, fluency and/or articulation disorder</p>	<p>Language disorder</p>	<p>Eligible for Special Education and Related Services - Speech-language therapy as a related service</p>
<p>The parent</p> <p>A teacher who is knowledgeable about the student's educational performance or the district's program</p> <p>The student, where appropriate</p> <p>At least one child study team member who participated in the evaluation (Shall be the speech-language specialist)</p> <p>The case manager</p> <p>Other appropriate individuals at the discretion of the parent or school district</p> <p>For initial eligibility, certified school personnel referring the student, or the school principal or designee, if they choose to participate.</p>	<p>The parent</p> <p>A teacher who is knowledgeable about the student's educational performance or the district's program</p> <p>The student, where appropriate</p> <p>At least one child study team member who participated in the evaluation (May be the speech-language specialist)</p> <p>The case manager</p> <p>Other appropriate individuals at the discretion of the parent or school district</p> <p>For initial eligibility, certified school personnel referring the student, or the school principal or designee, if they choose to participate.</p>	<p>The parent</p> <p>A teacher who is knowledgeable about the student's educational performance or the district's program</p> <p>The student, where appropriate</p> <p>At least one child study team member who participated in the evaluation</p> <p>The case manager</p> <p>Other appropriate individuals at the discretion of the parent or school district</p> <p>For initial eligibility, certified school personnel referring the student, or the school principal or designee, if they choose to participate.</p>

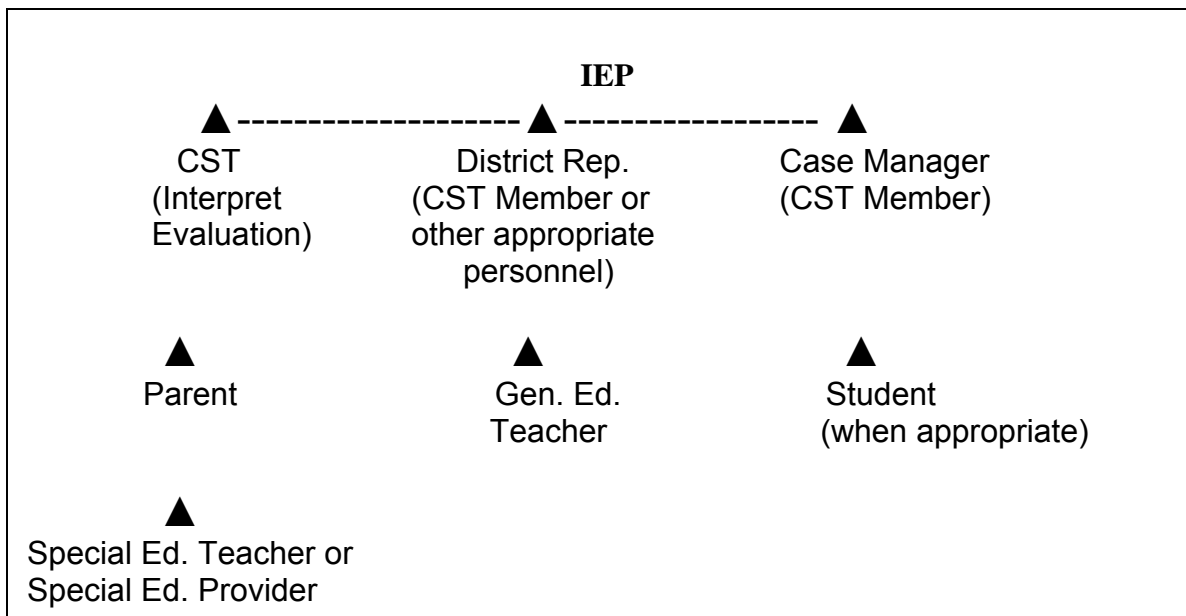
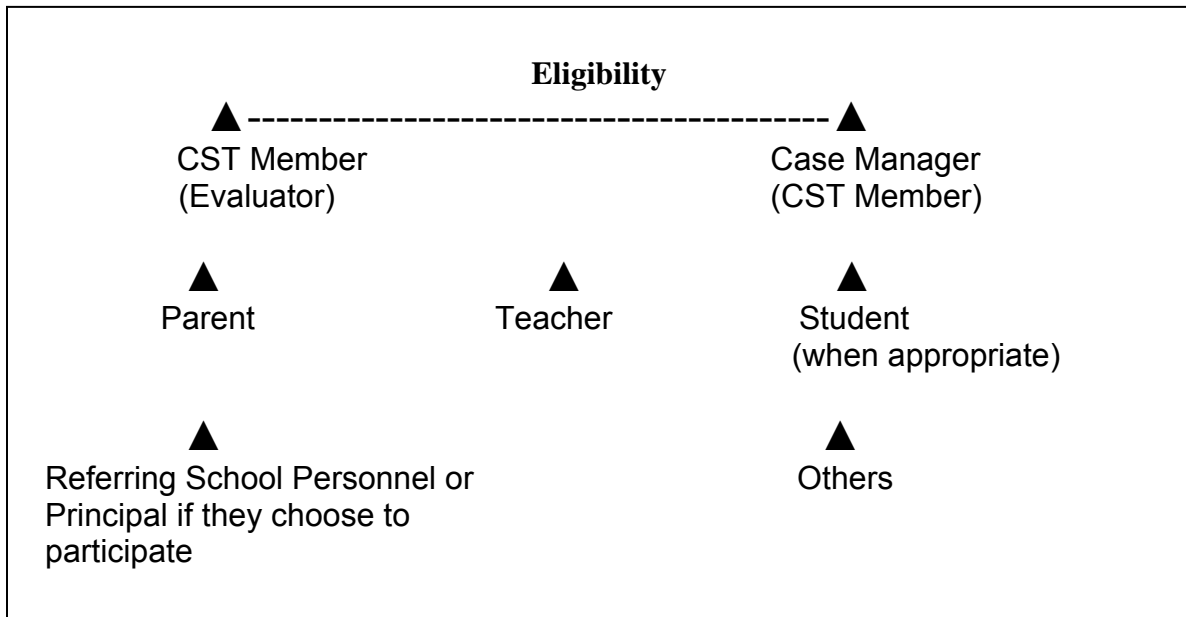
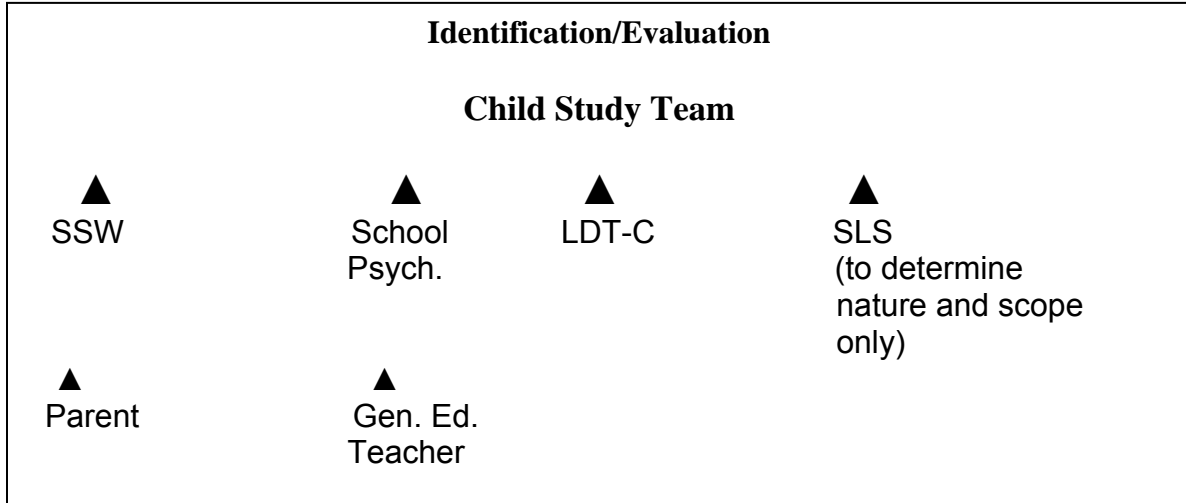
IEP MEETING

PARTICIPANTS -- SPEECH-LANGUAGE DISORDERS

Federal roles	Voice, fluency and/or articulation disorder	Language disorder	Eligible for Special Education and related services (Speech)
The parent	The parent	The parent	The parent
The child, where appropriate	The student, where appropriate	The student, where appropriate	The student, where appropriate
A general education teacher of such child	Not less than one general education teacher of the student, if the student is or may be participating in the general education classroom.	Not less than one general education teacher of the student, if the student is or may be participating in the general education classroom.	Not less than one general education teacher of the student, if the student is or may be participating in the general education classroom.
A special education teacher or special education provider of such child	A special education provider who is the SLS	Not less than one special education teacher of the student or where appropriate, not less than one special education provider of the student	Not less than one special education teacher of the student or where appropriate, not less than one special education provider of the student
Agency representative	A representative of the district board of education May be the SLS or other appropriate personnel	A representative of the district board of education May be the SLS or other appropriate personnel	A representative of the district board of education Shall be the CST member or other appropriate personnel
Individual who can interpret the instructional implications of the evaluation who may be one of the district personnel	The SLS who can interpret the instructional implications of the evaluation results	At least one CST member who can interpret the instructional implications of the evaluation results (May be the SLS)	At least one CST member who can interpret the instructional implications of the evaluation results
	Case manager (May be the SLS)	Case manager (May be the SLS)	Case manager (CST member)

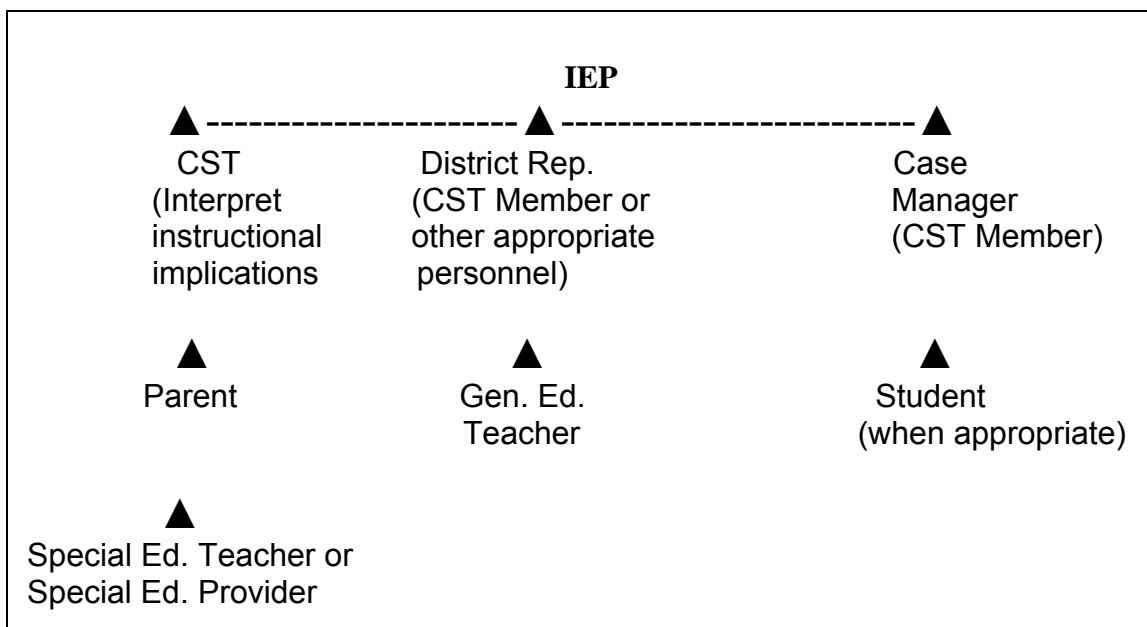
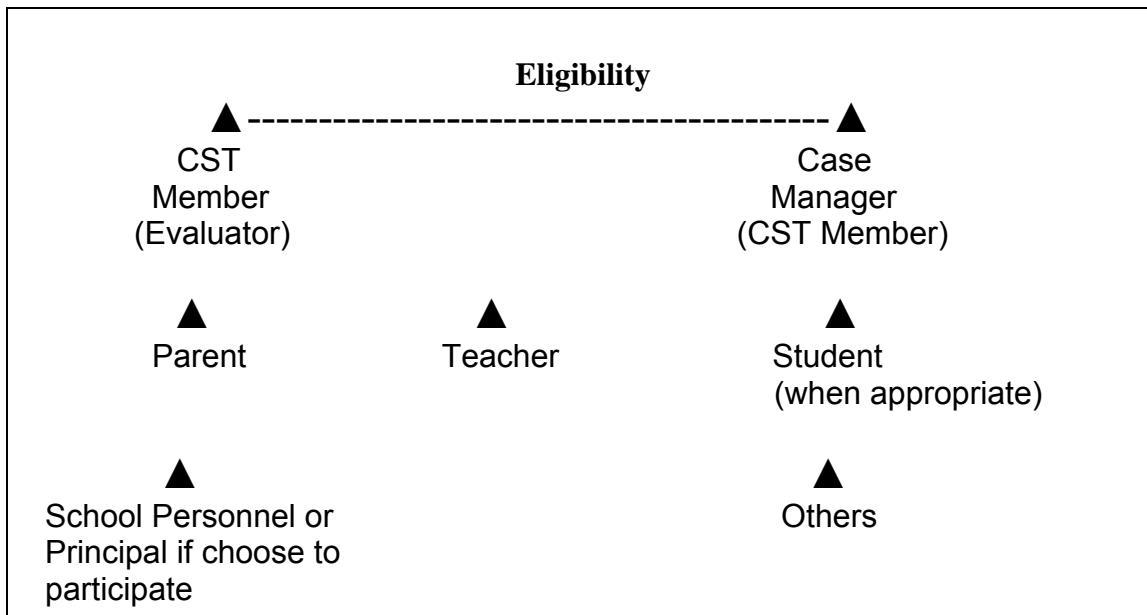
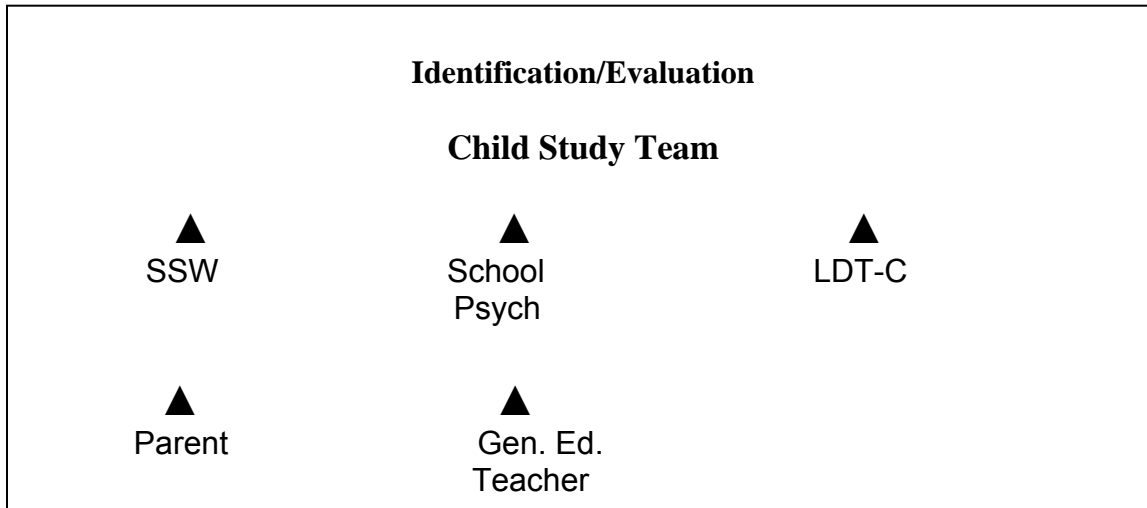
May be the same person

Decision Making Teams Students: 3-5



May be the same person

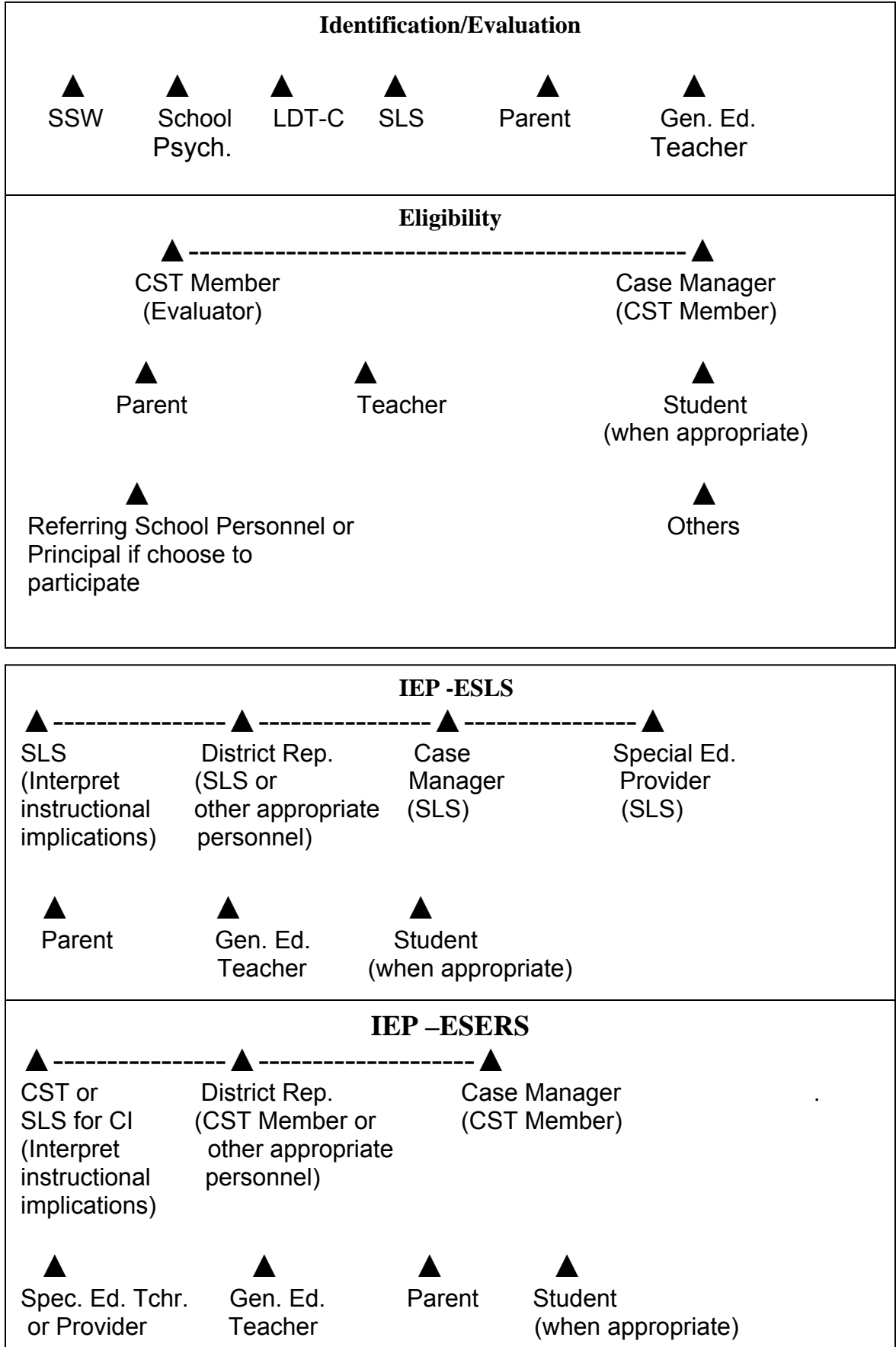
Decision Making Teams Students: 5-21



Decision Making Teams

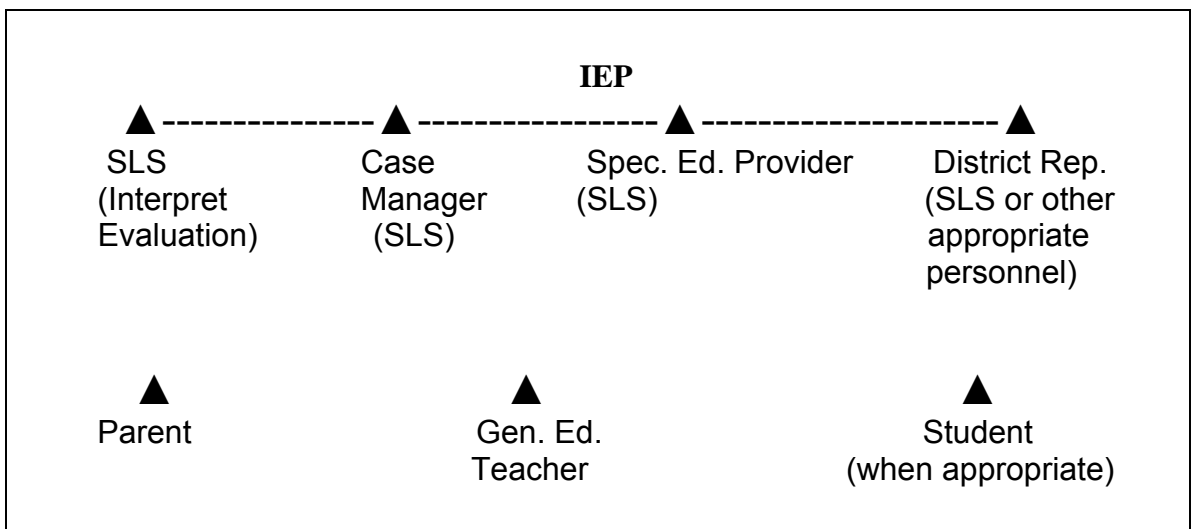
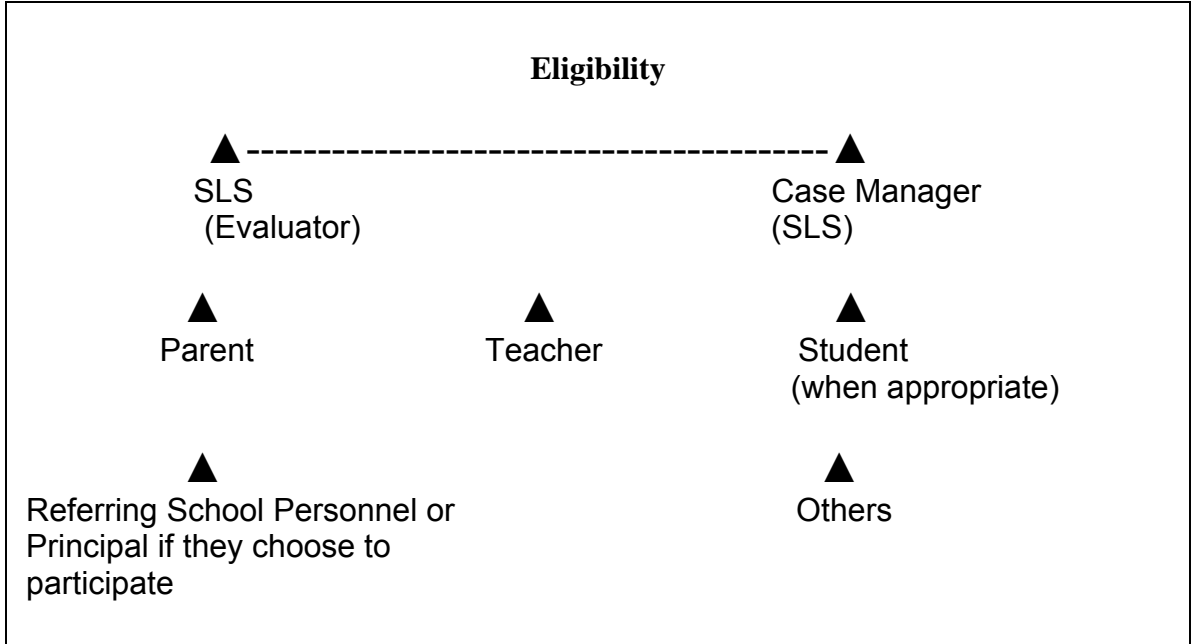
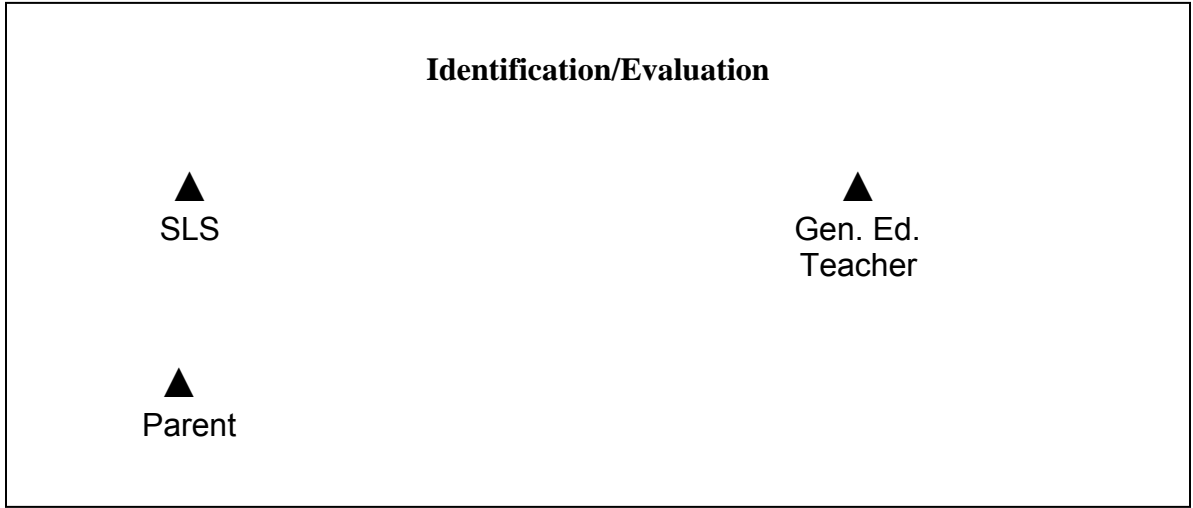
 May be the same person

Students: 5-21 (Language Suspected Disability)



Decision Making Teams
Students: 5-21 (Voice, Fluency, Articulation only)

 May be the same person



To determine the nature and scope of the evaluation, team members:

- Review existing data on the student including, evaluations and information provided by the parents, current classroom-based assessments and observations, and the observations of teachers and related services providers;
- Consider the need for any health appraisal or specialized medical evaluation;
 - ◆ The school nurse shall review and summarize available health and medical information;
- Consider the need for additional data, if any, to determine:
 - ◆ Whether the student has a disability;
 - ◆ The present levels of academic and functional achievement and related developmental needs, and educational needs of the student;
 - ◆ Whether the student needs special education and related services; and
- Determine which child study team members and/or specialists shall conduct each assessment that is part of the evaluation.

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Requirements for Initial Evaluation:

- Multi-disciplinary assessment in all areas of suspected disability
- Include at least two assessments and shall be conducted by at least two members of the child study team in those areas in which they have appropriate training or are qualified through their professional licensure or educational certification³

Be conducted in the language or form most likely to yield accurate information on what the child knows and can do academically, developmentally and functionally, unless it is not feasible to so do.

Apply standards of validity, reliability and administration for each assessment by trained personnel in accordance with the protocols and instructions of the producer of the assessment

- Include, where appropriate, or required, the use of a standardized test(s)

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³ When the suspected disability is communication impairment, the speech-language specialist may serve as one of the two required child study team evaluators. For preschool age students the participation of the speech-language specialist as an evaluator is in addition to the two required child study team evaluators.

Requirements for Initial Evaluation: (Continued)

- Include a functional assessment of academic performance and where appropriate, a functional behavioral assessment, an assessment of the language needs of a child with limited English proficiency, assessment of the student's communication needs, and assessment of the need for assistive technology devices and services.

Each of the following components shall be completed by at least one evaluator:

- ◆ A minimum of one structured observation by one evaluator in other than a testing session;⁴ and
- ◆ An interview with the student's parent;
- ◆ An interview with the teacher(s) referring the potentially disabled student;
- ◆ A review of the student's developmental/educational history including records and interviews;
- ◆ A review of interventions documented by the classroom teacher(s) and others who work with the student;

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⁴ In the case of a student who is suspected of having a specific learning disability, one evaluator shall observe the student's academic performance in the general education classroom.

Requirements for Initial Evaluation: (Continued)

- ◆ One or more informal measure(s) which may include, but not be limited to surveys and inventories; analysis of work; trial teaching; self report; criterion referenced tests; curriculum based assessment; and informal rating scales; and
- ◆ Beginning at age 14, or younger if appropriate, include assessment(s) to determine appropriate postsecondary outcomes.

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The chart below identifies by eligibility category, assessments and/or evaluations that are required in addition to those assessments individually determined by the multi-disciplinary team.

Eligibility Category	Required Evaluation by Specialist	Required Standardized Test(s)
Auditorily Impaired <ul style="list-style-type: none"> • Deafness • Hearing Impairment 	Audiological evaluation by a specialist in the field of audiology Speech and language evaluation by a certified speech-language specialist	_____ _____
Autistic	An assessment by a certified speech-language specialist Assessment by a physician trained in neurodevelopmental assessment	_____ _____
Cognitively Impaired <ul style="list-style-type: none"> • Mild Cognitive Impairment 	_____	Individually administered test of intelligence
<ul style="list-style-type: none"> • Moderate Cognitive Impairment 	_____	Individually administered test of intelligence
<ul style="list-style-type: none"> • Severe Cognitive Impairment 	_____	_____
Communication Impaired	An evaluation by a certified speech-language specialist, when the area of suspected disability is language	At least two standardized language tests, <u>one of which shall be a comprehensive test of both receptive and expressive language</u>
Emotionally Disturbed	_____	_____
Multiply Disabled	_____ _____	_____ _____
<u>Deaf/blindness</u>	_____	_____

Eligibility Category	Required Evaluation by Specialist	Required Standardized Test(s)
Othopedically Impaired	A medical assessment documenting the orthopedic condition	_____
Other Health Impaired	A medical assessment documenting the health problem	_____
<u>Preschool Child with a Disability</u>	_____	When utilizing a <u>standardized assessment or criterion-referenced measure to determine eligibility, a developmental delay shall mean a 33% delay in one developmental area, or a 25% delay in two or more developmental areas as specified in 3.5(c)10</u>
Social Maladjustment	_____	_____
Specific Learning Disability	_____	Assessment of current academic achievement Assessment of intellectual ability <u>Or</u> <u>Utilizing a response to scientifically based interventions methodology</u>
Traumatic Brain Injury	_____	_____
Visually Impaired	Assessment by a specialist qualified to determine visual disability	_____

Independent Evaluations [2.5(c)]

- A parent may request one independent evaluation, which includes all assessments the parent chooses to request, if there is a disagreement with any assessment conducted as part of an initial evaluation or a reevaluation provided by a district board of education.
- If a parent seeks an independent evaluation in an area not assessed as part of an initial evaluation or a reevaluation, the school district shall first have the opportunity to conduct the requested evaluation.
 - The school district shall determine within ten (10) days of receipt of the request for an independent evaluation whether or not to conduct an evaluation, and notify the parent of its determination.
 - If the school district determines to conduct the evaluation, it shall notify the parent in writing, obtain consent and complete the evaluation within 45 calendar days of the date of the parent's request⁵.
 - If the school district determines not to conduct the evaluation first, it shall proceed in accordance with 2.5(c)2.
 - After receipt of the school district's evaluation, or the expiration of the 45 calendar day period in which to complete the evaluation, the parent may then request an independent evaluation if the parent disagrees with the evaluation conducted by the school district.

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⁵ If the district is unable to ensure that the district's assessment can be completed within 45 days, the district should grant the independent evaluation.

Independent Evaluations (Continued)

- Such independent evaluation(s) shall be provided at no cost to the parent unless the school district initiates a due process hearing to show that its evaluation is appropriate and a final determination to that effect is made following the hearing.
 - Upon receipt of the parental request, the school district shall provide the parent with information about where an independent evaluation may be obtained and the criteria for independent evaluations; or
 - Not later than 20 calendar days after receipt of the parental request for the independent evaluation, the school district shall request the due process hearing.
- If a parent requests an independent evaluation, the school district may ask the parent to explain why he or she objects to the district's evaluation. However, the school district shall not require such an explanation and the school district shall not delay either providing the independent evaluation or initiating a due process hearing to defend the school district's evaluation.
- For any independent evaluation, whether purchased at public or private expense, the school district shall permit the evaluator to observe the student in the classroom or other educational setting, as applicable.

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Independent Evaluations

(Continued)

- If an administrative law judge orders that an independent evaluation be conducted, the independent evaluation shall be obtained by the district board of education in accordance with the decision or order of the administrative law judge, and the district board of education shall pay the cost of the independent evaluation.

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Requirements for Written Report of Evaluation Results:

- ◆ At the discretion of the district, the written report
 - may be prepared collaboratively by the evaluators

or

- each evaluator may prepare an individually written report of the results of his or her assessments
- ◆ Each written report shall be dated and signed by the individual(s) who conducted the assessment
- ◆ Each report shall include:
 - An appraisal of the student's current functioning and an analysis of the instructional implication(s) appropriate to the professional discipline of the evaluator;
 - A statement regarding relevant behavior of the student, either reported or observed, and the relationship of that behavior to the student's functioning;
 - If an assessment is not included under standard conditions, the extent to which it varied from standard conditions;

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- ◆ When a student is suspected of having a specific learning disability, the documentation of the determination of eligibility shall include a statement of:
 - Whether the student has a specific learning disability;
 - The basis for making the determination;
 - The relevant behavior noted during the observation;
 - The relationship of that behavior to the student's academic performance;
 - Educationally relevant medical findings, if any;
 - If a severe discrepancy methodology is utilized, whether there is a severe discrepancy between achievement and ability that is not correctable without special education and related services;
 - The determination concerning the effects of environmental, cultural or economic disadvantage;
 - Whether the student achieves commensurate with his or her age;
 - If a response to scientifically based interventions methodology is utilized, the instructional strategies utilized and the student-centered data collected with respect to the student; and

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- Whether there are strengths or weaknesses, or both, in performance or achievement relative to intellectual development in one of the following areas that require special education and related services:
 - Oral expression;
 - Listening comprehension;
 - Written expression;
 - Basic reading skill;
 - Reading fluency skills;
 - Reading comprehension;
 - Mathematics calculation; and
 - Mathematics problem solving.

- ◆ Additionally, each team member shall certify in writing whether his or her report is in accordance with the conclusion of eligibility of the student. If his or her report does not reflect the conclusion of eligibility, the team must submit a separate statement presenting his or her conclusions.

Acceptance of Written Reports:

- When conducting an initial evaluation or a reevaluation, the reports and assessments of child student team members or related services providers from other public school districts, Department of Education approved clinics or agencies, educational services commissions or jointure commissions or professionals in private practice may be submitted by the parents to the child study team for consideration. Each report and assessment shall be reviewed and considered by the child study team or related service provider with relevant knowledge or expertise. A report or component thereof may be utilized as a required assessment, if the assessment has been conducted within one year of the evaluation and the child study team determines the report and assessment meet the requirements of 3.4(h).

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