

## **DETERMINATION OF NEEDED EVALUATION DATA**

Authority: 34 C.F.R. Part 300; Texas Education Code (TEC)

- Determination of Needed Evaluation Data** – As part of an initial evaluation (if appropriate) and as part of any re-evaluation, a group that includes the ARD/IEP committee members and other qualified professionals, as appropriate, shall:
- a. review existing evaluation data including but not limited to evaluations provided by the parents of the student, current classroom-based assessments and observations by the teachers and related services providers.
  - b. identify what additional data, if any, is needed to determine:
    - Whether the student has a particular category of disability, or, in the case of a re-evaluation of a student, whether the student continues to have such a disability;
    - The present levels of academic achievement and functional performance and educational needs of the student;
    - Whether the student needs Special Education and related services, or in the case of a re-evaluation of a student, whether the student continues to need Special Education and related services;
    - Whether any additions or modifications to the Special Education and related services are needed to enable the student to meet the measurable annual goals set out in the IEP of the student and to participate, as appropriate, in the general curriculum.

The ARD committee members may conduct their review of existing evaluation data without a meeting, under certain circumstances.

If it is determined that no additional data is needed to ascertain whether the student continues to be a student with a disability, the District:

- Shall notify the student's parent(s) of that determination and the reasons for it;
- Shall notify the student's parent(s) of the right of the parents to request an evaluation to determine whether, for purposes of services, the student continues to be a student with a disability;
- Is not required to conduct the evaluation unless requested to do so by the student's parents.

## **INITIAL REFERRAL FOR EVALUATION**

**Authority: 34 C.F.R. Part 300; 19 T.A.C. Chapter 89, Texas Education Code (T.E.C.) 29**

A student experiencing difficulties in the general education program may be considered for eligibility for Special Education services. The school maintains specific procedures to identify these students. If these accommodations are unsuccessful and the student is suspected of having a disability, a referral may be made for a Full and Individual Evaluation (FIE).

**Pre-Referral** – pre-referral activities are general education initiatives to address the problems the student is experiencing in the general education program.

1. Student Support Team – a team consisting of teachers, administrators, school counselors, and/or the parent(s) may elect to review the performance of a student who is experiencing difficulties in the general education program either with academics or behavior. Student work samples, grades, standardized test results, state competency

testing, anecdotal records, and discipline records may be included in this review. As a result of the Student Support Team's review of student progress and records, adaptations within the general education program are documented that may include any methods the SST recommends to resolve the student's academic or behavioral difficulties including but not limited to Response to Intervention strategies, tutorials, remedial services and compensatory services. The team may choose to reconvene to review the student's progress following implementation of the adaptations or the SST committee may determine that a referral for Special Education evaluation is appropriate.

2. A referral for Special Education evaluation also may be made by an individual and/or the student's parent who has a suspicion that a disability exists and there is an educational need for Special Education services. This referral will be forwarded to the campus SST team.
3. At this point, the team or the parent may begin the referral for Special Education evaluation. The 60-day timeline for evaluation begins when the parent returns the signed permission to evaluate the student for Special Education eligibility.
4. Upon parent signature for consent, the school will conduct a Full and Individual Evaluation (FIE). The parent or legal guardian is given a copy of the *Explanation of Rights and Procedural Safeguards* and *The ARD Guide for Parents*.

#### **Initial Referral for Special Education Services**

1. Referral information – upon obtaining consent to conduct a Full and Individual Evaluation (FIE), school personnel will gather referral information which includes documentation made by the Student Support Team, student progress reports, anecdotal reports, grade reports, behavioral/discipline records, standardized test results, and competency test results.
2. Language, hearing, vision – all students referred for Special Education evaluation/services are screened for limited English proficiency (including the Home Language Survey) to ensure that the lack of progress in the general education program is not due to language difficulties. Additionally, hearing and vision screenings are conducted to ensure that lack of progress in the general education program is not due to vision or hearing problems. This data becomes a part of the Full and Individual Evaluation (FIE).
3. FIE Written Report – Notice of Full and Individual Evaluation (FIE) is given to parents within a reasonable period of time but no less than 5 school days prior to conducting the evaluation. A waiver for the 5 school day notice may be obtained from the parent. A written report of the FIE, for purposes of determining eligibility for Special Education services, shall be completed not later than the 60<sup>th</sup> calendar day following the date on which the school district received written consent for the evaluation signed by the student's parent or legal guardian. The evaluation is conducted using procedures that are appropriate for the student's most proficient method of communication or in the student's native language.
4. ARD/IEP Meeting Scheduled – an Admission, Review, or Dismissal (ARD)/IEP meeting is scheduled within 30 days of the completion of the written report by the clinician and no later than 90 days from the receipt of the signed permission from the parent for the FIE. The purpose of this meeting is to establish eligibility (or not), and, if the student is found to be eligible for Special Education services, to develop an Individual Education Program (IEP).

**Initial Referral for Pre-School Children** – is designed for students referred by parents/guardians or others and who have not previously been served in the Early

Childhood Intervention (ECI) program.

1. Birth – 3 years of age – For children with suspected developmental delays birth through 2 years of age, communication logs are maintained that document:
  - a. "Child Find" referrals – are forwarded to an ECI program for students birth to 2 years old, and Pegasus collaborates with the ECI program and determines appropriate steps based on the student's age and needs, or
  - b. ECI involvement- Pegasus will follow up with the ECI program to assure evaluation is completed within 45 calendar days from the date the referral is made, or
  - c. ARD/IEP committee determines eligibility, educational need, and develops an IEP to determine placement prior to the third birthday.
2. Ages 3-5 – for children referred for services, either from "Child Find" or elsewhere, the same referral process stipulated in B (1-4) above will be followed.

Referral for Students with Limited English Proficiency

1. **LPAC report** – students for whom it has been determined through the use of the Home Language Survey or other sources that the student is not primarily English speaking must have an LPAC report completed within the past year included in the referral packet.
  - a. **Referral for evaluation** – a Language Proficiency Evaluation is conducted to determine the language of evaluation:
    1. if the student is proficient in English and has a lower proficiency in Spanish, the normal procedures for evaluations are followed;
    2. if the student is proficient in Spanish and has lower proficiency in English, the student may not be eligible for Special Education services. Bilingual or ESL services should be considered;
    3. if the student has a low proficiency in both languages, an additional consultation regarding methods of evaluation must be accomplished prior to testing;
    4. if the student has a high proficiency in both languages, English should be used as the language of evaluation.

#### **FULL AND INDIVIDUAL EVALUATION**

Authority 34 C.F.R. Part 300; Texas Education Code (TEC) 19 T.A.C. Chapter 89

In accordance with the policy of the Pegasus School of Liberal Arts & Sciences Charter School Board, following a determination of need for an evaluation, a Full and Individual Evaluation (FIE) is conducted for each student being considered for Special Education and related services. The FIE is used to determine each student's eligibility and educational need before initiation of Special Education services. In addition to standardized tests and other evaluation materials, the school collects information from a variety of sources in determining eligibility for Special Education services.

**Timeline for Initial Evaluation** – A written report of the Full and Individual Evaluation (FIE) of a student for the purposes of Special Education will be completed not later than the 60<sup>th</sup> calendar day following the date on which the school district receives written consent for the evaluation signed by the student's parent or legal guardian.

The ARD/IEP committee shall make its decision regarding a student referred for an FIE within 30 calendar days from the date of the completion of the written evaluation report. If the 30<sup>th</sup> day falls during the summer and school is not in session, the ARD/IEP committee shall have until the first day of classes in the fall to finalize decisions concerning the initial eligibility determination, the IEP, and the placement, unless the FIE indicates that the student will need ESY services during the summer.

**Re-evaluation** – Once a child has received an initial evaluation (FIE), a decision has been rendered that a child is eligible for Special Education under IDEA '04, and the required services have been determined, any subsequent evaluation of a student constitutes a re-evaluation. A re-evaluation is conducted upon an ARD/IEP committee recommendation, but no less than once every three years. Re-evaluations must be conducted on or before the triennial anniversary date (month/day/year) of the previous FIE. A re-evaluation may also be conducted if conditions warrant (i.e. ARD request), if the student's parent requests, if the student's teacher requests, and/or before determining that the student is no longer a student with a disability (unless dismissal is due to graduation with a regular high school diploma or exceeding the age eligibility for a free appropriate public education). However, in some instances, the committee may agree that existing data, including the observation of the student by the classroom teachers and related service providers, the student's educational performance records, and standardized and/or competency testing support the continued eligibility of the student without need for additional formal evaluation and is sufficient to complete the FIE.

**Procedures for an Evaluation** – the evaluation of a student to determine if he/she has a disability under IDEA '04 must include:

1. Variety of sources –Information is gathered from a variety of evaluation tools and strategies to gain relevant functional and developmental information about the student. The sources of data must include:
  - Information provided by the parent;
  - Information related to enabling the student to be involved and progress in the general curriculum;
  - For a preschool student, information related to enabling the student to participate in appropriate activities.
2. Areas evaluated - Depending on the area of suspected disability, other sources may include but are not limited to health information, vision and hearing, social or cultural background, adaptive behavior, emotional status, general intelligence, academic performance, communication status, motor ability, classroom evaluation and observations, other school records and/or other competency testing.
3. The district will include more than one procedure for determining whether a student is a student with a disability, an appropriate educational program for a student and the educational needs of a student.
4. Formal evaluation by clinician – all standardized tests and any other evaluation materials are validated for the specific purpose for which they are used, including those tailored to evaluate specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient. Evaluation procedures and materials will be selected and administered so as not to be racially or culturally discriminatory.
5. Certifications of clinician –all standardized tests and evaluation instruments are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the tests.

6. Language Dominance/Proficiency – the student’s language dominance and most proficient method of communication (expressive and receptive) are identified and evaluation materials used to assess a student are provided and administered in the student’s native language or other mode of communication, unless it is clearly not feasible to do so. The materials and procedures used to evaluate a student with limited English proficiency are selected and administered to ensure that they measure the extent to which the student has a disability and needs Special Education, rather than measuring the student’s English language skills.
7. Multidisciplinary Team – a multidisciplinary team or group of persons, including at least one teacher and a specialist with knowledge in the area of suspected disability, conducts the evaluation. For a student suspected of having a learning disability, the multidisciplinary evaluation team includes:
  - a. the student’s general education teacher or a general education teacher qualified to teach a student of his/her grade level;
  - b. for a student of less than school age, a person qualified to teach a student of his/her age;
  - c. at least one person qualified to conduct individual diagnostic evaluations (Licensed Specialist in School Psychology (LSSP), educational diagnostician, or other appropriate certified or licensed practitioner with experience and training in the area of the disability, or a licensed or certified professional for a specific eligibility category as defined in state regulations.
8. Intelligence testing – any student meeting the eligibility criteria for mental retardation or specific learning disability is administered an individual intelligence test. However, if appropriate, an informal assessment of intelligence may be used to determine intellectual functioning as a part of eligibility for a visual impairment, orthopedic impairment, or deaf-blindness. Informal evaluation may include achievement test results, teacher observations, adaptive behavior and grades. Alternative methods as determined appropriate by the qualified professionals may be used to assess the intellectual functioning of students whose disabilities impede adequate communication or those with severe sensory impairment. Intra-individual differences in cognitive functions does not contribute to identification and intervention decisions for children suspected of having a Learning Disability.

**Disability Report** – A report must be written indicating the student’s disability under the criteria defined in federal law and by the Texas Education Agency guidelines for each disability. Additionally, a disability report for each related service, documentation that the service is necessary to enable the student to benefit from Special Education, and recommendation for the specific service to be offered must be included.

The written report of the team, including agreement by each team member that the report reflects his or her conclusions, includes a statement of:

1. whether the student has a specific disability;
2. the basis for making the determination;
3. the relevant behavior noted during the observation of the student that directly assists persons in determining the educational needs of the student;
4. the relationship of that behavior to academic functioning;
5. the educationally relevant medical findings, if any;
6. whether there is a severe discrepancy between achievement and ability that is not correctable without Special Education and related services, and;

7. the determination of the team concerning the effects of environmental, cultural or economic disadvantage;
8. if an evaluation is not conducted under standard conditions such as the qualifications of the person administering the test or the method of test administration, this information must be included in the evaluation report;
9. for students needing or receiving adapted physical education, an adapted physical education evaluation is conducted.

**Related Services** – Additionally, the need for related services as identified in the FIE must stipulate learning competencies identifying the need for the related service, documentation that the service is necessary to enable the student to benefit from Special Education, and a recommendation for the specific service to be offered. The recommendation is based on a written evaluation for each related service, and must indicate skills and/or behaviors related to the service that the student can and/or cannot perform.

These related services include developmental or corrective services including but are not limited to:

1. Audiology services
2. Counseling services
3. Early identification and assessment
4. Medical services
5. Occupational therapy
6. Orientation/Mobility services
7. Parent counseling and training
8. Physical therapy
9. Psychological services
10. Recreational services
11. Rehabilitation counseling services
12. School health services
13. Social work services
14. Transportation services

### **IDENTIFIED DISABILITY CATEGORIES**

Authority: 34 C.F.R. Part 300; Texas Education Code (TEC); 19 T.A.C. Chapter 89

A multidisciplinary team may determine eligibility for Special Education in one or more of the following areas of disability:

#### **Auditory Impairment/Deafness and Hearing Impairment**

The criteria for deafness is a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects educational performance creating a need for Special Education.

The criteria for hearing impairment is an impairment in hearing, whether permanent or fluctuating, that adversely affects educational performance and is not included in the definition of deafness.

To be determined eligible in either category, the implications of the hearing loss must be present in a variety of circumstances with or without recommended amplification. The multidisciplinary committee must ascertain the student's language and communication needs including oral and aural means, finger spelling or sign language, opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and opportunities for direct instruction in the student's language and communications mode.

### **Autism**

The criteria for autism is a developmental disability that significantly affects verbal and nonverbal communication and significantly affects social interaction. The criteria should be generally evident before age three, adversely affect educational performance creating a need for Special Education and related services and adversely affect educational performance that is not primarily due to an emotional disturbance. Autism may also be manifested as a Pervasive Developmental Disorder that adversely affects educational performance creating a need for Special Education and related services.

For either PDD or Autism, specific recommendations for behavioral interventions and strategies must be documented.

### **Deaf-Blindness**

The criteria for Deaf-Blindness is a combination of hearing and visual impairments that cause severe communication needs, other developmental needs, adversely affect educational performance creating a need for Special Education and needs that cannot be accommodated in Special Education programs solely for students with deafness or students with blindness.

Documentation must exist that the student meets eligibility criteria for auditory impairment and visual impairment OR meets eligibility criteria for visual impairment and has a suspected hearing loss that cannot be demonstrated conclusively, but there is no speech at an age when speech would normally be expected. It is also possible to meet eligibility for this category if documentation exists that hearing and visual losses that, if considered individually, may not meet the requirements for auditory impairment or visual impairment, but the combination of such losses adversely affect the student's educational performance OR there is documented medical diagnosis of a progressive medical condition that will result in concomitant hearing and visual losses that, without Special Education intervention, will adversely affect educational performance.

### **Emotional Disturbance**

The criteria for emotional disturbance is a condition exhibiting one or more of the following characteristics:

- An inability to learn that cannot be explained by intellectual, sensory or health factors;
- An inability to build or maintain satisfactory interpersonal relationships with peer and teachers;

- Inappropriate types of behavior or feelings under normal circumstances;
- A general pervasive mood of unhappiness or depression;
- A tendency to develop physical symptoms or fears associated with personal or school problems.

These characteristics must be exhibited over a long period of time, are exhibited to a marked degree and adversely affect educational performance creating a need for Special Education and related services. These behaviors may not be the result of social maladjustment. Strategies for students eligible for services as Emotionally Disturbed must include specific recommendations for behavior support and interventions.

### **Specific Learning Disabilities**

In order to determine eligibility as a student with a Specific Learning Disability, the multidisciplinary team must include the student's general education teacher or a general education classroom teacher qualified to teach a child of his or her age. If the child is less than school age, one member of the team must be qualified by the state to teach a child of his or her age. In addition, at least one person on the multidisciplinary team must be qualified to conduct individual diagnostic examinations of the student.

Documentation must exist of the observation of the student by at least one team member, other than the student's regular teacher, of the student's academic performance in the regular classroom setting OR in the case of a student less than school age or out of school, by a team member in an environment appropriate for a student of that age.

Response-to-Intervention is one component of the general education process that may be used to identify students with a suspected Learning Disability who may be in need of Special Education and related services. Information gained from the Response-to-Intervention process may be included in the evaluation and/or re-evaluation process.

In order to meet eligibility criteria as a student with a Specific Learning Disability, it must be determined that the student does not achieve commensurate with his/her age and ability levels if provided with learning experience appropriate for the student's age and ability levels. In Texas, in order to be considered as a student with a Specific Learning Disability, a severe discrepancy must exist between achievement and intellectual ability in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skills, reading comprehension, mathematics calculations and/or mathematics reasoning. For students who do not meet the criteria in the standard discrepancy model but who appear to have a Specific Learning Disability, TAC 89.1040 (c)(9)(B) should be consulted to review the option of Method II.

In either method of establishing eligibility as a student with a Specific Learning Disability, it must be determined that the severe discrepancy between ability and achievement is not the result of a visual, hearing or motor impairment, mental retardation, emotional disturbance or environmental, cultural or economic disadvantage or a lack of appropriate instruction. It must also be determined the student has received appropriate instruction in regular education settings, delivered by qualified personnel.

Documentation of the team's determination of eligibility must 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 of the student, the relationship of that behavior to the student's academic functioning and the adverse affects on educational performance creating a need for Special Education and related services. The documentation must also include educationally relevant medical findings, if any, whether there is a severe discrepancy between achievement and ability that is not correctable without Special Education and related services and the determination of the team concerning the effects of environmental, cultural or economic disadvantage.

Each team member must certify, in writing, whether the report reflects his or her conclusion and if the report does not reflect a team member's conclusion, the team member must submit a separate statement presenting his or her conclusions. The team of qualified professionals and the parent of the child ultimately determine eligibility.

### **Mental Retardation**

The criteria for Mental Retardation includes documentation the student is significantly sub-average in general intellectual functioning, is two or more standard deviations below the mean on individually administered scales of verbal ability and either performance or nonverbal ability, exhibits deficits in adaptive behavior, manifested these criteria during the developmental period and demonstrates these characteristics to a degree that adversely affects educational performance, creating a need for Special Education and related services.

### **Multiple Disabilities**

The criteria for Multiple Disabilities must document the presence of two or more disabilities, but not including deaf/blindness and document that the student's disability is expected to continue indefinitely. The student's disability must severely impair performance in two or more of the following areas: psychomotor skills, self-care skills, communication, social and emotional development and cognition. Documentation must also verify that the disabilities cause such severe education needs that the student cannot be accommodated in Special Education programs solely for one of the impairments.

### **Non-Categorical Early Childhood**

The criteria for Non-Categorical Early Childhood (NCEC) is the student is between the ages of 3-5 and is evaluated as having one of the following disabilities: Mental Retardation, Emotional Disturbance, Specific Learning Disability and/or Autism. Reports in the areas of suspected disabilities must be included with the NCEC Disability Report.

### **Orthopedic Impairment**

The criteria for Orthopedic Impairment includes documentation from a licensed physician that the student has a severe orthopedic impairment that adversely affects the student's educational performance creating a need for Special Education and related services.

## **Other Health Impairment**

The determination for Other Health Impaired must include evaluation data from a licensed physician that verifies the student has:

- Limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment;
- Chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia or Tourette's Syndrome.

These conditions must adversely affect educational performance and create a need for Special Education and related services.

## **Speech Impairment/Speech or Language Impairment**

The determination for Speech Impairment/Speech or Language Impairment must include evaluation data from a certified speech and hearing therapist OR a certified speech and language therapist OR a licensed speech/language pathologist that verifies the student has:

- A communication disorder such as stuttering, impaired articulation, a language impairment or a voice impairment that adversely affects educational performance creating a need for Special Education and related services.

## **Traumatic Brain Injury**

The determination for Traumatic Brain Injury must include evaluation data from a licensed physician as well as a Licensed Specialist in School Psychology (LSSP) OR an education diagnostician OR a certified or licensed practitioner with experience and training in the area of the disability. In order to meet the criteria for Traumatic Brain Injury, the injury to the brain must be caused by an external physical force, and the injury must result in total or partial functional disability or psychosocial impairment, or both. The injury must adversely affect educational performance creating a need for Special Education and related services.

The closed head injury must result in impairments in one or more of the following areas: cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem-solving, sensory, perceptual and motor abilities, psychosocial behavior, physical function, information processing and/or speech. These impairments may not be the result of brain injuries that are congenital or degenerative, or of brain injuries induced by birth trauma.

## **Visual Impairment**

The determination of Visual Impairment must include evaluation data from a licensed ophthalmologist or optometrist and a professional certified in the education of students with visual impairments or a certified orientation and mobility instructor. The report from the licensed ophthalmologist or optometrist must document whether the student has no vision or has a serious visual loss after correction OR the student has a progressive medical condition that will

result in no vision or a serious visual loss after correction. The report must also document the visual loss in exact measures of visual field and corrected visual acuity at a distance and at close range in each eye, provide the best estimates if exact measures cannot be obtained and include a prognosis, whenever possible.

Documentation of a Functional Vision Evaluation, conducted by a professional certified in the education of student with visual impairments or a certified orientation and mobility instructor must include the performance of tasks in a variety of environments, the use of both near and distance vision, recommendations concerning the need for a clinical low vision evaluation and an orientation and mobility evaluation documentation of the child's reading and writing skills and needs and any adverse affect on education performance creating a need for Special Education and related services.

Documentation of a Learning Media Assessment, conducted by a professional certified in the education of student with visual impairments must include recommendations concerning which specific visual, tactual and/or auditory learning media are appropriate for the student, recommendations concerning appropriate reading and writing media (including the use of Braille) and recommendations concerning whether or not there is a need for on-going evaluation in this area.

If the student is functionally blind, the documentation must also include whether the student will use tactual media (which includes Braille) as a primary tool for learning to be able to communicate in both reading and writing at the same level of proficiency as other students of comparable ability. The student's strengths and weaknesses in Braille skills must also be documented. Documentation must also include whether the student meets the criteria for a visual impairment, an impairment in vision that, even with correction, adversely affects the student's educational performance creating a need for Special Education and related services.