State Performance Plan/Annual Performance Report (SPP/APR)
Indicator 11 – Timely Evaluation

Presenters:
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April 17, 2018
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OBJECTIVES

- To provide schools knowledge of the requirements of: General Supervision Indicator 11 – Timely Initial Evaluations for SY2017-18

- To learn the process for completing the Desk Audit form for SY2017-18
  - How to print an AdHoc Report in NASIS
  - How to complete the Desk Audit form with Reason Codes
  - To upload the signed Parent Consent to Evaluate
  - To upload the signed Determination of Eligibility
Components of General Supervision

- State Performance Plan
- Policies, Procedures, and Effective Implementation
- Fiscal Management
- Data on Processes and Results
- Integrated Monitoring Activities
- Improvement, Correction, Incentives & Sanctions
- Effective Dispute Resolution
- Targeted Technical Assistance & Professional Development
**COMPLIANCE REQUIREMENT**

- General Supervision Part B/Child Find
  - Percent of children who were evaluated within 60 days of receiving parent consent for initial evaluation to be conducted within the required timeframe

- The initial evaluation must be conducted **within 60 calendar days** of receiving parental consent. 20 U.S.C.1414(a)(1)(C), 34 C.F.R. 300.301(c).

- The BIE uses the Eligibility Determination date as the completion of the evaluation process.
COMPLIANCE TARGET

| Measurable and Rigorous Target | 100% |
# Data Submitted to Office of Special Education Programs/Dept. of Education

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<tr>
<th>SCHOOL NAME</th>
<th>Total</th>
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<th>Parent -1</th>
<th>Transfer-2</th>
<th>Grand Total</th>
<th>Docs Scanned</th>
<th>On Time</th>
<th>Total Minus P/T</th>
<th>Contract not awarded -3a</th>
<th>Weather-3b</th>
<th>Medical/scheduling -3c</th>
<th>Other 3</th>
<th>Data not available -4</th>
<th>No reason -4</th>
<th>Percent (%Col. C - Sum of Col. M through R)/Col. C</th>
<th>Comments</th>
<th>Schools Eligible</th>
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</table>
Parent Consent to Evaluate

- The Date the document was received by the school begins the 60 day timeline.
- This date must match the date on the Desk Audit form the school submits to the BIE.
- Only this form is acceptable.

Parent/Guardian Consent to Evaluate / Reevaluate (§300.300)

Consent means that the parent has been fully informed of all information relevant to the activity for which consent is sought, in the native language, or through other modes of communication. The parent understands and agrees in writing to the activity or activities for which consent is sought. The granting of consent by the parent or legal guardian is voluntary and may be revoked in writing at any time.

I consent to the evaluation as indicated: [ ] Yes [ ] No

Parent/Guardian/Student (if of age) ___________________________ Date ___________________________ Date received by school ___________________________

This notice has been communicated in the primary language of the parent(s)/guardian(s). [ ] Yes [ ] No
An interpreter ________ was ________ was not needed.

A copy of procedural safeguards is enclosed. Please read them carefully and ask school staff if you have any questions.

Initial evaluation(s) must be conducted within 60 days of receiving parent/guardian consent (§300.301(c)(1))
Determination of Eligibility

- Located under Evaluation Summary Report
- Ensure completion, signed by the required team members
- Ensure the date matches the Desk Audit form the school submitted to the BIE
CHILD FIND
(a) **General.** (1) The State must have in effect policies and procedures to ensure that-

- (i) All children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are **identified, located, and evaluated**; and

- (ii) A practical method is developed and implemented to determine which children are currently receiving needed special education and related services.
Child find also includes children who are suspected of being a “child with a disability” and in need of special education and related services, even though they are advancing from grade to grade, and highly mobile children, including migrant children.
Requirements for Conducting the Initial Evaluation

- Request for an initial special education evaluation
  
  34 CFR §300.301(b); 20 U.S.C. 1414(a)(1)

- Screening of a student to determine appropriate instructional strategies for curriculum implementation is not considered a part of the evaluation process, no parental consent required (70 Fed. Reg. 35800)

- Referral of a child to the special education process and the Request for an initial evaluation (71 Fed. Reg. 46636)
PROCEDURAL SAFEGUARDS & PRIOR WRITTEN NOTICE

- School provides parents a copy of the procedural safeguards notice (*BIE Notice of Procedural Safeguards Revised 2011*)
  34 CFR §300.504

- Prior Written Notice 34 CFR §§ 300.503-504(a)
  - The school must notify the parent in writing that it either intends to, or refuses to, evaluate the child to determine if he or she is eligible for special education services funded by IDEA
  - The notice has to describe why the school is proposing or refusing to take the action, and it must describe each evaluation procedure, assessment, record or report that is used as a basis for the action
  - The notice must describe any evaluation procedures that the school proposes to conduct (and the other specific requirements for the content for the PWN).
CONSENT FOR INITIAL EVALUATION

- Parents must give “informed consent” to an initial evaluation.
- The LEA may initiate a due process hearing and/or mediation if the parent refuses to give consent.
- If the parent refuses to consent, the LEA is not liable for failure to provide FAPE and is not required to convene an IEP meeting. 20 U.S.C. 1414(a)(1)(D).
CONSENT FOR INITIAL EVALUATION

• Reasonable efforts must be documented:
  • Detailed records of telephone calls made or attempted and results of those calls
  • Copies of correspondence sent to the parents and any responses received; and
  • Detailed records of visits made to the parent’s home or place of employment and the results of those visits
EXCEPTIONS TO CONSENT

- The school is not required to obtain parental consent if:
  - Despite reasonable efforts to do so, the School cannot discover the whereabouts of the parents.
  - Parental rights have been legally terminated;

- A judge has appointed a legal representative for the child who has given consent (e.g., a guardian ad litem).
  
ASSESSMENT
INITIAL EVALUATION

- The school district (LEA) must conduct a “full and individual” evaluation before the initial provision of special education and related services to a child with a disability. 34 C.F.R. 300.301(a)

- Parents or school officials (i.e. LEA, SEA) may initiate a request for a special education evaluation. 20 U.S.C. 1414(a)(1), 34 C.F.R. 300.301(b).

- The initial evaluation must be conducted within 60 calendar days of receiving parental consent (or pursuant to a different State timeline). 20 U.S.C.1414(a)(1)(C), 34 C.F.R. 300.301(c).
INITIAL EVALUATION

- LEA must use a variety of assessment tools and strategies;
- LEA may not use any single measure or assessment as the sole criterion for eligibility;
  - IEP team must review existing evaluation data, including:
    - Information provided by the parents,
    - Current assessments and classroom observations.

20 U.S.C. 1414(b) and(c).
INITIAL EVALUATION CONT’D

- Additional Data Needed (needed assessments and evaluations are identified) to discover:
  - Whether the child is a “child with a disability”;
  - The child’s educational needs;
  - The child’s present levels of academic achievement and related developmental needs;
  - The child’s need for special education and related services; and
  - Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the child’s IEP to participate, as appropriate, in the general education curriculum.
IDEA REQUIREMENTS WHEN CONDUCTING EVALUATIONS

- Ensure that tests and evaluation materials are administered by trained and knowledgeable personnel and are administered consistent with any instructions provided by the producer of the tests;

- Ensure that assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient;

- Ensure that assessments are selected and administered so as best to ensure that the results accurately reflect the child’s aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child’s impaired sensory, manual or speaking skills (unless those skills are the factors that the test purports to measure);
IDEA REQUIREMENTS WHEN CONDUCTING EVALUATIONS

• Ensure that tests or other evaluation materials are selected and administered so as not to be discriminatory on a racial or cultural basis;

• Ensure that tests or other evaluation materials are provided and administered in the child’s native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally and functionally, unless it is clearly not feasible to do so;

• Ensure that tests and other evaluation materials are used for purposes for which the assessments or measures are valid and reliable;
ELIGIBILITY DETERMINATION

Assessment and other Evaluation Measures to Produce the Data
**The Statute and Regulations**

- The IDEA itself states that a child must have one of the listed disabilities, and “by reason thereof,” must require special education. 20 U.S.C. § 1401(3)(A).

- The federal regulations add that for most disabilities, the condition must “adversely affect educational performance.” 34 C.F.R. § 300.8(c).
SPECIAL EDUCATION

- Specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability.

- Also includes speech-language pathology, P.E., travel training, and vocational education.
REVIEW OF EXISTING DATA:

• Data to assist the multidisciplinary team to determine the child’s educational needs:
  • Evaluations
  • Current classroom-based assessments and observations
  • Current state and local assessments
  • Observations by teachers and related service providers
  • Other relevant input
  • Parental input and any outside evaluation or medical history provided by the parent
SPECIAL RULE FOR ELIGIBILITY DETERMINATION

- A child **shall not** be determined to be a “child with a disability” if the major factor in the eligibility determination is:
  - A lack of scientifically based instruction in reading or math;
  - or,
  - Limited English proficiency
  - or
  - The child does not otherwise meet the eligibility criteria.

20 U.S.C. 1414(b)(5).
In determining the education placement of a child with a disability including a preschool child with a disability, each public agency must ensure that –

- The placement decision –
  - is made by a group of persons, including the parents and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and
  - is made in conformity with the LRE requirements

- The child’s placement -
  - is determined at least annually
  - is based on the child’s IEP; and
  - is as close as possible to the child’s home.
PLACEMENT - § 300.116 CONT’D

- Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled.

- In selecting the Least Restrictive Environment (LRE), consideration is given to any potential harmful effect on the child, or on the quality of services that he or she needs; and

- A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.
LEAST RESTRICTIVE ENVIRONMENT (LRE) DEFINITION — 34 CFR § 300.114; 20- u.s.c. 1412 9(A)(5)(A)

1) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled; and

2) Special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Note: “Regular educational environment” encompasses regular classroom and other settings in schools such as lunchrooms and playgrounds in which children without disabilities participate.

Least Restrictive

- Regular education with weekly monitoring from a special education teacher
- Regular education with daily consultation from a special education teacher.
- Regular education with special education services and supports that are aligned with the general curriculum
- Regular education with special education services provided for part of the day in a resource room or a special education classroom
- Self-contained special education classroom
- Special day school (outside school campus)
- Residential treatment facility
- Hospital
- Detention facility

Most restrictive
**FREE APPROPRIATE PUBLIC EDUCATION (FAPE)**

- Special education and related services that:
  - Are provided at public expense;
  - Meet State standards;
  - Include an appropriate preschool, elementary, or secondary school education;
  - Are provided in conformity with an IEP.

20 U.S.C. 1401(9).
FACTORS IN SUPPORT OF PLACEMENT IN THE REGULAR CLASSROOM

- When meaningful education benefits are being achieved in a regular classroom with appropriate supplementary aids and services. Education benefits are considered to be both academic and nonacademic (behavior). Educational benefits can include development of social and communication skills, increased sense of self-esteem, and language and role modeling.

- When the regular education program is not modified beyond recognition (where the child is not required to learn any of the skills normally taught in a regular education classroom).

- When the student’s presence in the regular education classroom is not too disruptive.

FACTORS AGAINST PLACEMENT IN A REGULAR CLASSROOM

- A LEA may not be required to place student in the regular classroom when the student:
  - Will not receive a sufficient educational benefit in a regular classroom, even with the provision of supplementary aids and services. Pachl v. Seagren, 46 IDELR 1, (8th Cir. 2006)
  - Requires so much of the teacher’s time and attention that he substantially interferes with the learning of others in the classroom. Greenwood v. Wissahickon Sch. Dist. 50 IDELR 280 (E.D. Pa 2008), aff’d 54 IDELR 113 (3d Cir. 2010)
  - Threatens the safety of others or poses a danger to himself. See Clyde K. v. Puyallup Sch. Dist., 21 IDELR 664 (9th Cir. 1994)
  - Engages in significantly disruptive behavior that interferes with the education of classmates. See Renollett v. Independent Sch. Dist. No. 11, 42 IDELR 201 (D. Minn 205), aff’d 45 IDELR 117 (8th Cir. 2006); DeVries v. Fairfax County Sch. Bd., 441 IDELR 555 (4th Cir. 1989).
  - Will require so much modification in the curriculum that the regular program would have to be altered beyond recognition. See Cody H. v. Bryan Indep. Sch. Dist. 44 IDELR 211 (S.D. Tex. 2005).
HOW TO PRINT AN ADHOC REPORT
STEP 1: SELECT CORRECT: SCHOOL YEAR, SCHOOL AND CALENDAR
STEP 2: SCROLL DOWN TO: AD HOC REPORTING/FILTER DESIGN
Step 3: Click on + Sign for Adhoc SPED
Step 4: Click on Student Initial Evaluation
STEP 5: SELECT INITIAL EVALUATIONS
STEP 6: SELECT TEST & PRINT
Step 7: Review list for only those that fall between 7/1/2017 – 6/30/2018
NEXT STEPS

- Compare the Spreadsheet and add any student information to the Desk Audit form

- Upload/Staple the signed documents in the student’s file

- Recheck to ensure all students information is correct
DESK AUDIT INDICATOR 11
Complete the Desk Audit form

Any student file that is beyond the 60 day timeline a reason code must be entered and explained for #3 and 4.

Spreadsheet automatically calculates days; carefully review and ensure a code is entered for any + number indicated. (negative # indicates it was less than 60 days)

Reason Codes

1. Parent repeatedly fails or refuses to make the child available for evaluation.
2. Child transfers to new school after previous school has begun and evaluation is not completed.
3.A - Contract not Awarded
3.B - Inclement Weather
3.C - Evaluator not available
4. Provide Reason (explain reason for delay)
### Desk Audit Review form

**Native Star/Resources/Docs&Links**

**FAX to 615-564-6632 ATTN: Narcy Kawon**

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**DUE: September 28, 2018**

**Read Carefully**

**A. Check the box to the left if the school had Zero initial evaluations for SY2017-18**

If Zero, complete questions 1-4 below.

**B. Schools with initial evaluations will complete and FAX the desk audit form to Narcy Ka’Won (See Guidance document). Insert student information as noted, and utilize drop down boxes where appropriate.**

- School
- School Contact
- Email Address
- Contact Phone Number
- # of Initial Evaluations

C. **Upload the two (2) required documents for ALL the students listed below. (Signed Parent to Consent to Evaluate and Determination of Eligibility)**

D. Complete the information below on ALL students of which an initial evaluation was started for SY2017-18 (July 1, 2017 – September 30, 2018). Utilize the drop down box when indicated.

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<th>Student Eligibility</th>
<th>NASIS # (NOT Student ID)</th>
<th>SY2017-18 Grade Level</th>
<th>Date the school received the signed Parent Consent to Evaluate</th>
<th>Date of Determination of Eligibility</th>
<th>Reason for Delay (See Code definition tab below)</th>
<th>Only Type in an Explanation for Reason codes #3 and #4</th>
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How can we improve our compliance?

- Reasons for the Delay submitted by schools for SY2016-17

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<th>Number of Students</th>
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<td>Other – School holidays, turnover in staff, school could not determine reason in delay, weather</td>
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<td>Data no available – could not locate student folder</td>
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<tr>
<td>50</td>
<td>No Reason codes entered</td>
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</table>
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