

# SPECIAL EDUCATION POLICIES, PRACTICES AND PROCEDURES

The Interlocal complies with all requirements set forth in federal and state regulations for special education. Specific information relative to the provision of special education services is found in these regulations. The following information specifies Interlocal 619's definitive policies, practices and procedures as they apply to special education programs and services.

## CHILD FIND

### SCREENINGS

District-wide screenings, on-going throughout the school year, assists in identifying children with exceptionalities, age birth through 21 years. This includes any students who attend private schools within our districts (none as of July 1, 2009), are highly mobile, including migrant and homeless children or are suspected of being children with disabilities even though they are advancing from grade to grade.

Providing information to the public concerning child find activities:

- Statement on the interlocal's and districts' websites to contact building principal for concerns about a child who may need special education services.
  - Districts are provided information to add to their newsletters, student agenda books, display within their buildings, and/or local newspapers.
  - Birth - five screenings are available throughout the year upon request. Contact information provided.
  - Screenings of all children (birth through age 21) are available throughout the school year upon request.

Screenings are available in each district at the beginning of the school year for children, age birth to five as determined by each district.

- DIAL-III - instrument used for children age 3-5
- Denver - instrument used for children age birth through 2
  - Parents sign an acknowledgement that screening results will be shared with the Infant/Toddler program in the event their child fails this screening.
- Parents complete a social history on their child
- Hearing and vision are screened
- The administrative secretary coordinates screening activities, assuring that staffs for the various stations are available.
- Parents as Teachers and Futures-Unlimited, Inc. (infant/toddler) staffs are invited to participate as available.
- Information distributed to parents on the See To Learn (free 3-year-old vision assessment) and on local resources available to families for food, medical and other areas of need.

Screenings are scheduled in each of the five districts in March and April for children, age birth to five.

- DIAL-III - instrument used for children age 3-5
- Denver - instrument used for children age birth through two
  - Parents of birth through age 2 children sign a consent for the sharing of this information with the infant/toddler program in the event a need is shown.
- Parents complete a social history on the child
- Hearing and vision are screened
- The administrative secretary coordinates screening activities, assuring that staffs for the various stations are available.
- Parents as Teachers and Futures-Unlimited, Inc. staffs are encouraged to participate as available.
- Information distributed to parents on the See To Learn (free 3-year-old vision assessment) and on local resources available to families for food, medical and other areas of need.

Screenings for children, age birth to five are available throughout the school year upon request by parent, teacher or other party of interest.

- o DIAL-III - instrument used for children age 3-5
- o Denver - instrument used for children age birth through two
- o Parents complete a social history on the child
- o Hearing and vision are screened
- o The school psychologist coordinates individual screenings or
- o The specific personnel whose area is being screened coordinates screening as requested (i.e., SLP, OT, and PT). School age children who are experiencing difficulty in specific areas, such as language or fine motor, may be screened in the specific areas per parent or teacher request.
  - Forms are available to staff from related service providers to request screenings.

Screenings of children within the school setting, for grades kindergarten through age 21 are available either by request or through the student improvement process.

- At the beginning of each school year, the need for early identification of children with disabilities is reviewed with building principals and counselors to assure that child find occurs.

Hearing and vision screenings:

- Hearing screening of all students enrolled in school is required once every three years and vision screening is required once every two years.
- Local districts are responsible for the hearing and vision screenings of children, kindergarten through age 21.
- It is the responsibility of each special education teacher who has a caseload of exceptional students to secure the most recent hearing and vision screening information for each student on their class role or caseload.
  - o A copy of the results of hearing or vision screening should be forwarded to the Interlocal office for the student's special education file.
  - o The hearing and vision screening forms are located on the Interlocal's web site and at the administrative office.
- Documentation from developmental screenings is placed with the data clerk at the Interlocal office. Hearing and vision screening data is kept with each building's school nurse.

## **GENERAL EDUCATION INTERVENTION**

Data-based documentation of building level, general education interventions (GEI) is required for children (in kindergarten through age 21) prior to a referral for a special education evaluation. The GEI can be carried out through a school-wide approach of providing a multi-tiered system of scientifically, research-based interventions for all children or through an individual child problem-solving approach. Regardless of the approach used, the focus is on designing supports for children who need additional assistance in order to be successful in the general education curriculum and environment.

The GEI process should continue until a successful intervention is determined, when it is evident that the successful intervention requires resources beyond those available in general education, and/or when the team suspects the child is a child with an exceptionality (disability or giftedness). At any time during GEI, the team responsible for planning and implementing the interventions has three decisions that may be made:

1. Continue the intervention and monitor child progress
2. Change or modify the interventions and monitor child progress
3. Change or modify the interventions, monitor child progress, and recommend an initial evaluation.

It should be made clear that the process of continually designing and re-designing supports for children is one that does not end until the child is deemed successful. Even when the decision has been made to move from GEI into an initial evaluation, the intervention process does not stop, but becomes part of the evaluation process.

The individual school districts served by Interlocal 619 have developed student intervention processes through either a Multi-Tiered System of Supports (MTSS) or an Individual Problem-Solving Approach to GEI.

#### **SCHOOL WIDE MULT-TIERED SYSTEM OF SUPPORT (MTSS)**

For the Interlocal's districts using the Multi-Tiered System of Support (MTSS), buildings have tiers in place that allow the professionals to determine if a child is making sufficient progress to meet age or grade level standards.

Buildings using this approach have purchased resource material that helps educators understand, develop, and implement the MTSS process in both academic and behavioral domains.

Each building team determines how they want MTSS to work in their building, by

- participating in MTSS training
- establishing roles and responsibilities of team members,
- implementing the MTSS process,
- communicating with parents,
- identifying and using specific methods and levels of interventions in the areas of
  - o academics
  - o behaviors
- suggesting interventions in the classroom,
- using data and documentation to drive decision-making, and
- evaluating the effectiveness of assessment tools to be used.

The multi-tiered school-wide approach used by local districts encompasses the following tiers:

**Tier 1:** All children receive a core instructional program that uses a scientifically validated curriculum that is provided for all students. Schools choose curricula that have evidence of providing adequate levels of achievement and instruction is differentiated within the core to meet a broad range of student needs. Therefore, interventions are provided via the general curriculum. Universal screening of all children to monitor progress and to identify children who may need additional support is conducted. Approximately 80% of children in the school will be successful in the general curriculum.

**Tier 2:** Those children who do not respond to the core instructional procedures will receive targeted group interventions in addition to core instruction. More frequent measures of progress monitoring are used to collect child progress data. Approximately 15% of children in the school will need targeted (supplemental) support.

**Tier 3:** A few children receive intensive, individualized interventions. These may be in addition to, or instead of the supports provided in Tier 1 and Tier 2 depending on the needs of the child. Interventions will be more intensive and delivered in more substantial blocks of time. Approximately 5% of children in the school will need this kind of intensive support.

Within this multi-tiered system, children will receive GEI as a part of the system in place for all students.

- Data collected at each tier will guide the next steps to be taken based on the child's response to the interventions tried.
- Prior to a child accessing the more intensive supports of Tier 3, the school should implement the use of individualized problem-solving to design an intensive individualized support and monitor and document the child's progress.
  - o Tier 3 support can fall under the individual problem-solving approach to GEI

## **STUDENT IMPROVEMENT TEAMS (SIT)**

Some buildings within our district address student needs through a general education intervention (GEI) or student improvement team process in which the team's responsibility is to:

1. Identify the problem
  - a. Precisely define the problem
  - b. Measure the skill or behavior in the natural setting to establish baseline performance
  - c. Estimate the severity of the problem (use age norms or compare to peers)
  - d. Establish expectations for the child
2. Analyze the problem
  - a. Analyze antecedent, situational, and consequent conditions
  - b. Use components of instruction, curriculum, environment and learner to analyze the problem
  - c. Collect additional data as needed to understand the cause of the problem
3. Develop and implement an intervention plan
  - a. Formulate a plan that uses scientific research based interventions designed to target the cause of the presenting problem.
  - b. Establish intervention goals
  - c. Develop a plan for monitoring progress which specifies the child data to be collected and the schedule for collecting it.
    - i. Decide how the data will be displayed (e.g. chart/graph) to facilitate evaluation.
  - d. Implement the plan with treatment integrity and frequent monitoring of progress.
4. Evaluate and revise the plan
  - a. Review progress monitoring data to determine if enough progress has been made by repeating #1 above
  - b. If expectations have not been met, repeat #2 above to further analyze the problem
  - c. Revise current intervention or select a new intervention including components of #3 above.

The documentation gathered through GEI should verify that the child was provided with:

1. Appropriate instruction;
2. appropriate instruction that was delivered by qualified personnel in regular education settings;
3. repeated assessment of the child's academic performance which reflected formal assessment of progress during instruction; and
4. appropriate instructional strategies
5. data collection that was student centered.

Collection of this data is on-going with GEI teams determining if the student is continuing to show progress or make improvements in the targeted areas. If consistent progress is being made, the team is to continually evaluate and revise the plan. When data collected indicates that no progress has been made over a sustained period of time (individually determined), the team may refer the student for an initial special education evaluation.

Regardless of whether a district is using MTSS or individual problem-solving approach to GEI, each building has a team of educators who meet on a regular basis to review the progress of students in response to researched-based intervention.

However, there are students for whom GEI and strategies would be inadequate to address the areas of concern for the child.

- This would most likely occur in an instance where a child with an obvious disability has for whatever reason not been identified previously.
- Another example might be for a child who has recently sustained a Traumatic Brain Injury.

In these cases, the data used for documentation that GEI would be inadequate to address the needs of the child might come from

- medical records,
- previous school records,
- observations,
- parent and teacher reports, etc.

In cases such as this, even though it is appropriate to move directly to evaluation, it is recommended that GEI and strategies occur as part of the child's special education evaluation so that the team may collect data to determine what the best instructional approach for the child might be.

Under no circumstance is a team to refer a student for an initial evaluation without identifying the student's specific academic or behavior problem, analyzing the problem to determine its cause, developing and implementing a plan, and allowing the plan time to work with on-going evaluations and revisions as needed.

## **REFERRAL FOR AN INITIAL EVALUATION**

1. A referral for a comprehensive special education evaluation by the building team is to be made to the special education director. The director's role is to assure that interventions were comprehensive in nature and that individual student needs were addressed appropriately as verified by supporting data and documentation. When the appropriateness of the process has been verified, the director will submit the referral to the school psychologist to start the evaluation process. If data and documentation does not support that the GEI process was appropriate or comprehensive, the referral will be returned to the building team.
2. Request from parents for an initial evaluation should be submitted in writing to either the building administrator or director of special education.
  - a. Parents will be contacted by the school psychologist for that district within five school days of receiving the request.
  - b. The school psychologist will explain to the parents that:
    - i. They have the right to go directly to an evaluation; and
    - ii. A GEI process that precedes an initial evaluation is available to assist in determining the specific concerns and needs of their child. This includes the rights of the parents to participate in the GEI process.
    - iii. Parents may elect to have their child participate in the GEI prior to the evaluation, or if the parents request, the initial evaluation will be conducted without waiting for general education interventions to conclude; the general education intervention process may be conducted as part of the initial evaluation.
  - c. The school may refuse to conduct the evaluation. The Prior Written Notice would explain the reason for this refusal on the district's part.
3. Self referral from a student 18 years of age or older for an evaluation should be submitted in writing to the building administrator or director of special education.
  - a. The student will be contacted by the school psychologist within five school days of receiving the request.
  - b. The school psychologist will explain to the parents that:
    - i. The student has the right to go directly to an evaluation; and
    - ii. A GEI process that precedes an initial evaluation is available to assist in determining the specific concerns and needs of the student. This includes the rights of the student to participate in the GEI process.
    - iii. The student may elect to participate in the GEI process and not pursue the evaluation, or if the student requests, the initial evaluation will be conducted without waiting for general education interventions to conclude; the general education intervention process may be conducted as part of the initial evaluation.
  - c. The school may refuse to conduct the evaluation. The Prior Written Notice would explain the school's reason for this refusal.

Regardless of how the decision to move forward with an initial evaluation is made, it is crucial that the school have a process which will insure that all data collected prior to the evaluation (i.e., data collected as part of screening, or GEI) is provided to the evaluation team. This insures the evaluation team has a basis for understanding what additional data may need to be collected as the initial evaluation process goes forward.

## EVALUATION/ELIGIBILITY

**Forms used in the evaluation process are available on the Interlocal's website and through Webkidss.**

The Interlocal shall ensure that a full and individual evaluation is conducted for each child being considered for special education and related services to determine whether the child is an exceptional child and the education needs of the child. All evaluation procedures shall be nondiscriminatory and follow all procedures as prescribed in K.S.A. 72-986.

Most students referred for special education services must have experienced various general education interventions. These interventions are provided by regular education; however, special education personnel may be involved in the general intervention process. The general education intervention process is completed on children in kindergarten through age 21.

Referrals for an initial evaluation can include the following sources:

- Early Childhood Screening - For children younger than five years of age, observations, instruments, measures, and techniques that disclose any potential disabilities or developmental delays that indicate a need for evaluation, including hearing and vision screening.
- Part C Infant-Toddler Program - at least 90 days prior to a child turning 3 years of age, notice is provided to our agency of the child's upcoming birth date.
  - o Parental consent for sharing of information with 619 is obtained by the Infant/Toddler program
  - o Meeting is scheduled by the Infant/Toddler program that includes special education staff from 619 who has knowledge in the area of the child's needs and the building principal
  - o A decision is made at this 90 day transition meeting the evaluation process that will be used to determine if the child qualifies under Part B of IDEA.
- General Education Intervention Team - for children from ages five through 21, observations, instruments, measures, and techniques that disclose any potential exceptionality and indicate a need for evaluation, including hearing and vision screening as required by state law.
- Parents
- Self-Referral by adult student

**CASE NOTES** are to be kept at the onset of an initial evaluation, documenting the content of all telephone calls and/or correspondence with a parent.

**PARENT RIGHTS** are provided at the time of the referral, regardless of the source. Current Parents Rights Notice (procedural safeguards) is available on the Interlocal's website at [www.d619.org](http://www.d619.org).

**SCHOOL PSYCHOLOGISTS, SPEECH/LANGUAGE PATHOLOGISTS, PHYSICAL THERAPISTS, AND OCCUPATIONAL THERAPISTS** are encouraged to meet face-to-face with parents prior to obtaining consent for an initial evaluation. This provides an opportunity for the parent to provide information and concerns that might be addressed in the evaluation process.

**PRIOR WRITTEN NOTICE (PWN) AND REQUEST FOR CONSENT** is provided to parents that describe any evaluation procedures the school proposes to conduct. The Interlocal uses the Prior

Written Notice and Request for Consent that KSDE has developed. This form includes (in language understandable to parents and in their native language or communication mode if applicable):

1. A description of the action proposed by the agency,
2. An explanation of why the agency proposes the action,
3. A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed action,
4. A statement that the parents have protection under the procedural safeguards and how a copy of the procedural safeguards can be obtained,
5. Sources for parents to contact to obtain assistance in understanding their procedural safeguards, and,
6. A description of other factors that is relevant to the agency's proposal.

**PREPARING THE PRIOR WRITTEN NOTICE (PWN) :**

1. **Preparatory activities to determine the content of the proposal** to conduct an initial evaluation may be necessary as to what procedures the evaluation will include (such as new or existing information).
  - a. If there is not sufficient evidence to support conducting an initial evaluation, the school may refuse to conduct the initial evaluation.
  - b. Individual determination of which assessments and other evaluation measures may be needed to procure the data needed.
  - c. A use of a variety of assessment tools and strategies are to be used for the collection of functional, developmental, and academic information about the child.
  - d. The child is to be observed in his/her learning environment which should be included on the Prior Written Notice.
  - e. All appropriate domains are to be considered to insure that the evaluation is sufficiently comprehensive to identify the child's special education and related services needs.
  - f. Exclusionary criteria must be considered in the collection of data. A child cannot be determined to be disabled if there has been a lack of instruction in reading, including the essential components of reading instruction; lack of appropriate instruction in math, or limited English proficiency.
2. **Determination of the need to review existing data.**
  - a. Purpose of reviewing existing data is to determine:
    - i. Does child have an exceptionality;
    - ii. Does the child need special education and related services;
    - iii. What are the educational needs of the child;
    - iv. What are the present levels of academic achievement and functional performance of the child; and
    - v. Are there any additions or modifications to the special education and related services required for the child to meet goals as set forth in his/her IEP and to participate, as appropriate, in the general education curriculum?
3. **Requirements if no additional data are needed:**
  - a. The Prior Written Notice must include notification to parents that no additional data is required and the reason for it. The parents are to be informed that they have a right to request an assessment.
4. **Requirements if additional data are needed** should be included in the PWN with parents fully informed.

**REQUEST FOR CONSENT** must be presented to parents prior to the evaluation being conducted. Informed consent consists of:

1. Parent is fully informed of all information relevant to the activity for which consent is being sought.
2. Parent understands and agrees in writing to the evaluation.
3. Parent understands that consent is voluntary and may be revoked at any time.
4. If a parent revokes consent, that revocation is not retroactive to action taken after receipt of consent.

**FAILURE TO RESPOND OR TO PROVIDE CONSENT** by a parent the school district may decline to conduct an evaluation or the school may pursue the initial evaluation through mediation (except for students who are homeschooled or voluntarily placed in a private school by parents).

- Reasonable attempts to obtain consent must be made and documented.
- Reasonable attempts are defined as at least 2 contacts by 2 different methods (i.e., telephone calls, written correspondence, or home visits).
- Case Notes are to be used to record these attempts.

**THE EVALUATION TEAM** is made up of individuals who will be carrying out the evaluation process.

Professionals who should be represented on the team:

- Child's parents,
- At least one regular education teacher (if the child is or may be participating in the regular education environment),
  - If the child does not have a regular teacher, a teacher who is qualified to teach a child of his/her age, or
  - If the child is less than school age, an individual qualified to teach a child of his/her age.
- Not less than one special education teacher of the child, or where appropriate, not less than one special education service provider of the child;
- A representative of the local education agency who:
  - Is qualified to provide, or supervise the provision of specially designed instruction to meet the unique needs of children with exceptionalities;
  - Is knowledgeable about the general education curriculum, and
  - Is knowledgeable about the availability of resources of the public agency;
- An individual who can interpret the instructional implications of evaluation results;
- At least one person qualified to conduct individual diagnostic examinations of children; and
- At the discretion of the parent or agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate.

In the course of a comprehensive evaluation, it may become apparent that consultation from specialists not employed by the Interlocal is necessary. Any such recommendation for consultation that will require financial payment on the part of the Interlocal will be approved by the Director PRIOR TO such recommendation.

**TIMELINE FOR CONDUCTING THE INITIAL EVALUATION** has been established with a 60-day timeline that begins with the receipt of written parental consent and ends with the implementation of an IEP if the child is found eligible.

**There are three specific exceptions to this timeline:**

- The parent fails/refuses to produce the child for the evaluation; or
  - Repeated failures or refusals are to be documented in Case Notes.
- The child enrolls in a new district after the evaluation has begun and before the determination of eligibility - new school proceeds but parent and school must agree to a timeline for completion; or
- If the parent and the school agree in writing to extend the timeline.

**THE EVALUATION PROCESS** is guided by the school psychologist (unless this is an initial evaluation for speech/language or motor only). Each evaluation is focused on the unique needs of the child that is gathered through a variety of assessment tools and strategies, including information provided by the parents.

Data collected will help the team determine:

- If the child is a child with an exceptionality;

- Whether the child needs special education and related services; the educational needs of the child;
- The present levels of academic achievement and functional performance (related developmental needs) of the child; and
- Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable goals set out in the IEP and to participate, as appropriate, in the general education curriculum.
- If **EXISTING DATA** is used, it must meet the requirements of this section for an evaluation.

**EVALUATION PROCEDURES** include assessing as appropriate: health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities. No single measure or assessment shall be used as the sole criterion for determining eligibility.

Information should be collected from:

- Referral information from the General Education Intervention process.
- Documentation of progress the student is making in the general education curriculum.
- Record review that includes information from parents, teachers, curriculum based assessments, previous evaluations, other agencies, discipline records, portfolios, and cumulative files, to name a few.
- Interviewing parents, teachers and the child can provide insights into strengths and needs.
- Observations within the classroom or other settings, such as a non-academic class or setting, will provide information about the child's academic performance and behavior in the areas of difficulty.
  - o For children not in school, the observation should occur in a setting appropriate to that child.
  - o Observations can include structured observations, rating scales, ecological instruments, behavioral interventions, functional analysis of behavior and instruction, and anecdotal information.
- Assessments that are appropriate to the child and designed for a specific purpose should be used when necessary. Some data may be collected through other sources resulting in assessments in a specific area not being necessary. These are individual decisions made by the evaluation team.

Assessment tools:

- o Cannot be discriminatory on a racial or cultural basis;
- o Instruments must be technically sound
- o Materials and procedures used with limited English proficiency are selected to ensure an accurate measure is achieved;
- o Administered in child's native language or other mode of communication;
- o Used for purpose developed to assure validity and reliability;
- o Professional administering is trained and knowledgeable of instrument;
- o Administered according to instructions provided with the assessment;
- o Tailored to assess specific areas of educational need and not merely those designed to provide a single general intelligence quotient; and
- o If a child with impaired sensory, manual, or speaking skills is given an assessment, results accurately reflect the child's aptitude or achievement level.

If the child is found eligible, the information gathered should form the basis for making all the decisions in the IEP, providing present levels of academic achievement and functional performance. If the child is found not eligible, this information assists the school in determining other appropriate supports for the child.

**There are two methods of evaluation appropriate to use in determining eligibility for many of the areas of exceptionalities:**

1. The child's response to scientific, research-based intervention is referred to as Response to Intervention (RtI) and is based on a school-wide multi-tier system of interventions for all students. Evaluation data will include

school-wide screening and benchmark assessments, information collected during individual child problem-solving, and the results of the child's response to various types of interventions.

2. A pattern of strengths and weaknesses tends to rely more heavily on the results of norm-referenced tests and other assessments. Both ability and achievement measures are analyzed to identify patterns within academic skills and cognitive functions. These are interpreted in combination with other relevant data to identify the child's strengths and weaknesses, including the child's approach to tasks, characteristic patterns of learning, and difficulties in processing information. A discrepancy between ability and achievement is an example of one type of information that might be collected to establish a pattern of strengths and weaknesses.

#### **ELIGIBILITY DETERMINATION AND DOCUMENTATION**

When all information has been compiled, the team schedules a time to meet in order to make the determination of eligibility. Parents are to have the opportunity to participate in this meeting which can be conducted at the same time as the IEP team meeting. A notice of meeting is to be provided to the parent at least 10 calendar days prior to the meeting date.

The team must ensure that information obtained from all sources used in the evaluation is documented and considered to determine:

1. Whether the child is a child with an exceptionality and
2. The educational needs of the child.

When making this determination, the team must:

- Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior, and

Teams must ensure that the child meets the definition of one of the categories of exceptionality and, as a result of that exceptionality, needs special education and related services. If a child meets the definition of an exceptionality category but does not need special education and related services, she/he will not be determined to be eligible. If the child has a need for special education and related services but does not meet the definition of an exceptionality category, she/he will not be determined to be eligible. In the case of a child who is found to have a disability, but does not need special education and related services, a referral for a 504 evaluation may be considered.

**Determining Whether the Child is a Child with an Exceptionality** - The team reviews the data to determine whether or not the child is a child with an exceptionality. To do this, team members compare the data about the child to see if there is a match to one of the exceptionality categories defined in the regulations. However, even when the data points to a particular area of exceptionality, there are exclusionary factors that must be considered for the child to be found eligible. Regulations are very clear with regard to the fact that a child must not be determined to be a child with an exceptionality if:

- a. the determinate factor is:
  - Lack of appropriate instruction in reading, including the essential components of reading instruction as phonemic awareness, phonics, vocabulary development, reading fluency including oral reading skills, and reading comprehension strategies.
  - Lack of appropriate instruction in math; or
  - Limited English proficiency; and
- b. The child does not otherwise meet the eligibility criteria as a child with an exceptionality.

#### **Specific Learning Disability (SLD) determination:**

Form is available on Webkidss to be used in making the SLD determination.

- a. The following data is collected to determine that the child does not achieve adequately for the child's age or to meet state-approved grade-level standards in one or more of the following areas, when provided with learning

experiences and instruction appropriate for the child's age or state-approved grade-level standards.

- Oral expression;
  - Listening comprehension;
  - Written expression;
  - Basic reading skill;
  - Reading fluency skills;
  - Reading comprehension;
  - Mathematics calculation;
  - Mathematics problem solving.
- b. Additionally, in order for a child to be eligible as a child with a specific learning disability, the evaluation and eligibility report must document that the child meets the following conditions:
- i. The child does not achieve adequately for the child's age or to meet state-approved grade-level standards when provided with learning experiences and instruction appropriate for the child's age or state-approved grade-level standards,  
**AND**  
The child does not make sufficient progress to meet age or state-approved grade-level standards when using a process based on the child's response to scientific, research-based intervention;  
**OR**  
The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards, or intellectual development.
  - ii. The determinate factor for why the child does not achieve adequately for the child's age or does not make sufficient progress to meet age or state-approved grade level standards, or exhibits a pattern of strengths and weaknesses, is not primarily the result of:
    - A visual, hearing or motor disability;
    - Mental retardation;
    - Emotional disturbance;
    - Cultural factors;
    - Environmental or economic disadvantages; or
    - Limited English proficiency.
- c. If the evaluation data indicates there is a match with a particular category or exceptionality and the team has ruled out the presence of any exclusionary factors, the team may determine that the child meets one of the requirements as a child with an exceptionality.

**Determining Whether the Child Needs Special Education and Related Service** - The second prong of the test of eligibility is to determine whether or not the child needs special education and related services. By definition, special education is defined as specially designed instruction which means adapting the content, methodology or delivery of instruction to address the unique needs of a child to ensure his/her access to the general education curriculum in order to meet the educational standards that apply to all children. Data collected through general education and the evaluation must be reviewed to learn the extent of the child's needs with regard to specially designed instruction.

- If the team determines that the child's need for having adapted content, methodology, or delivery of instruction is so great that it cannot be provided in regular education without the support of special education, the team may determine that the child needs special education and related services.
- If the data suggests the child's needs for instruction can be provided within regular education without the support of special education and related services, the team must determine that the child is not in need of special education and related services.

## **ELIGIBILITY REPORT**

The evaluation team report shall document the decision made regarding a child's eligibility for special education and related services. Each team member must certify in writing whether the report reflects the member's conclusion. If it does not, a team member must submit a separate statement presenting his/her conclusions.

The evaluation report must include the following statements:

- Whether the child is a child with an exceptionality;
- The basis for making the determination, including an assurance that the determination was made in accordance with applicable laws and regulations;
- The relevant behavior noted during the observation of the child; and for specific learning disabilities, the relationship of that behavior to the child's academic functioning; the educationally relevant medical findings, if any;
- For a child determined to have a learning disability, the report must include the required documentation supporting the decision (form on Webkidss);
- Signatures of each team member indicating whether the report reflects their conclusion (separate statement submitted if opposed to decision).

Evaluation/Eligibility Team Report available through Webkidss.

### **PRIOR WRITTEN NOTICE FOR IDENTIFICATION**

The school is required to provide Prior Written Notice to the parents that the school proposes to initially identify the child as a child with an exceptionality and that the child requires special education and related services. Likewise, school personnel must give Prior Written Notice to the parents if they determine that a child is not eligible for special education or related services.

### **INDEPENDENT EDUCATIONAL EVALUATION (IEE)**

If parents disagree with the school's evaluation, they have the right to ask for an independent educational evaluation at public expense. If the parent obtains an independent educational evaluation at public expense or provides the agency with an evaluation obtained at private expense, the results of the evaluation shall be considered by the school, if it meets the school's criteria, in any decision made with respect to the provision of FAPE to the child.

- Independent education evaluation - an evaluation conducted by a qualified examiner who is not employed by the district responsible for the education of the child in question.
- Public expense - the district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.

Upon a parent's request for an independent education evaluation, the school must either:

- Provide information to the parent about where an independent educational evaluation can be obtained, the agency criteria (which may include qualifications of examiners and location to obtain the evaluation); and
- Ensure that the evaluation is provided at public expense, unless the special education due process hearing officer determines that the independent educational evaluation did not meet agency criteria; or
- Initiate a due process hearing to show that the school's evaluation was appropriate.

The district may ask the reason for the parent's objection to the public evaluation upon receiving a request for an independent evaluation. However, no explanation by the parent is required and should not delay either providing the independent education evaluation at public expense or initiating a due process hearing to defend the public evaluation.

A due process hearing would determine whether the school must pay for the independent educational evaluation. If the school's evaluation is found appropriate and the parents still want an independent educational evaluation, the expense is the responsibility of the parents. When an independent educational evaluation is completed, the school or a special education due process hearing officer, or both must consider the results of the independent educational evaluation in decisions made with respect to a free appropriate public education for the child.

If an independent educational evaluation is provided at public expense, the criteria under which the evaluation is obtained must be the same as the criteria that the school uses when it initiates an evaluation.

If a special education due process hearing office requests an independent educational evaluation, the evaluation is provided at public expense. The school either pays the full cost of the evaluation, or ensures that the evaluation is otherwise provided at no cost to the parents. A parent is entitled to only one independent education evaluation at public expense each time the public agency conducts an evaluation.

The Interlocal's Stipulations for an Independent Educational Evaluation:

In addition to the Interlocal's criteria for an Educational Evaluation, the following criteria also must be followed when a parent obtains an IEE:

1. Qualifications of Evaluator(s):
  - a. Any evaluator must be a professional (i.e. Psychologist, School Psychologist, Psychiatrist, Medical Doctor, Speech/Language Pathologist, Occupational Therapist, Physical Therapist, etc.) and is licensed by his/her respective licensing Board in the State of Kansas;
  - b. The evaluator's qualifications must be at least equal to or exceed the qualifications required of evaluators employed by the Interlocal.
  - c. The evaluator must be qualified/trained to use the variety of assessment tools and strategies employed in the IEE; and
  - d. The evaluator must be currently practicing within the field or area of concern for the student which the evaluator will be assessing.
2. Location of the Evaluation:
  - a. Evaluator will be located within the greater Wichita area including Harvey, Butler, and Sedgwick counties in Kansas. Evaluators outside of this area will be approved only on an exception basis, providing the parents can demonstrate the necessity of using personnel outside the specified area. Any arrangements beyond the evaluation (food, lodging, transportation, etc.) are not covered in the cost of the independent evaluation.
3. Cost of an Independent Educational Evaluation:
  - a. The Interlocal will only pay a reasonably comparable rate for an IEE to that of an Interlocal evaluation, although the IEE can be more costly than an Interlocal evaluation, but not to exceed 150% above the average cost of a comparable Interlocal evaluation;
  - b. Payment will be made directly to the independent evaluator(s), who must provide the Interlocal with the original evaluation report with original signatures and a copy of the report must also be provided to the parents; and
  - c. The Interlocal may also reimburse reasonable related costs associated with the IEE to the parent as long as approval for those costs is given by the Interlocal to the parent in writing prior to the IEE appointment.
4. Waiver of Requirements:
  - a. The Interlocal may agree to waive a portion of any of the criteria, requirements or stipulations listed for an Independent Education Evaluation on a case-by-case basis if necessary to ensure an appropriate evaluation; and
  - b. The Interlocal, on a case-by-case basis and in light of the student's existing evaluation data and other relevant information, may fund an IEE that does not comply with the criteria, requirements or stipulations listed but only if the parent demonstrates that extraordinary or unique circumstances are present to warrant a departure from the Interlocal criteria, requirements or stipulations.

The interlocal's policy regarding an IEE will be shared with parents at the time of the request along with a list of *Sources of Independent Evaluations by Area of Assessment* that are located in the greater Wichita area.