

Section 2. - FULL INDIVIDUAL AND INITIAL EVALUATION
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Section 2. - FULL INDIVIDUAL AND INITIAL EVALUATION

I. INITIAL EVALUATIONS

§300.301 Initial evaluations.

- (a) **General.** The Perryton Special Education SSA must conduct a full and individual initial evaluation, in accordance with §§300.305 and 300.306, before the initial provision of special education and related services to a child with a disability under this part.
- (b) **Request for initial evaluation.** Consistent with the consent requirements in §300.300, either a parent of a child, or the Perryton Special Education SSA, may initiate a request for an initial evaluation to determine if the child is a child with a disability.
- (c) **Procedures for initial evaluation.** The initial evaluation--
- (1) (i) Must be conducted within 60 days of receiving parental consent for the evaluation; or
 - (ii) If the State establishes a timeframe within which the evaluation must be conducted, within that timeframe; and
 - (2) Must consist of procedures--
 - (i) To determine if the child is a child with a disability under §300.8; and
 - (ii) To determine the educational needs of the child.
- (d) **Exception.** The timeframe described in paragraph (c)(1) of this section shall not apply to Perryton Special Education SSA if--
- (1) The parent of a child repeatedly fails or refuses to produce the child for the evaluation; or
 - (2) A child enrolls in a school of another public agency after the relevant timeframe in paragraph (c)(1) of this section has begun, and prior to a determination by the child's previous public agency as to whether the child is a child with a disability under §300.8.
- Perryton Special Education SSA evaluation staff will provide clear documentation of the repeated failure or refusal.*
- (e) The exception in paragraph (d)(2) of this section applies only if the subsequent public agency is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent public agency agree to a specific time when the evaluation will be completed. (Authority: 20 U.S.C. 1414(a))

For an Initial Evaluation : The Perryton Special Education SSA will complete a comprehensive full and individual evaluation for the initial evaluation of a student and not rely solely on a review of existing evaluation data.

*Revoked Consent for Special Education and Related Services If a parent has revoked consent for services and later requests to re-enroll the student, the Perryton Special Education SSA **must** treat this as a request for an initial evaluation. However, depending on the data available, **a new evaluation may not always be required.** An initial evaluation requires a review of existing evaluation data that includes classroom based, local, or State assessments, and classroom based observations by teachers and related services providers. On the basis of that review and input from the child's parents, the IEP Team and other qualified professionals must identify what additional data, if any, are needed to determine whether the child is a child with a disability and the educational needs of the child. Therefore, Perryton Special Education SSA may not always have to expend resources on a "new" initial evaluation.*

TEC §29.004. FIE Timeline.

- (a) A written report of a full individual and initial evaluation of a student for purposes of special education services shall be completed as follows, except as otherwise provided by this section:
- (1) not later than the 45th school day following the date on which the school district, in accordance with 20 U.S.C. Section 1414(a), as amended, receives written consent for the evaluation, signed by the student's parent or legal guardian, except that if a student has been absent from school during that period on three or more days, that period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent; or
 - (2) for students under five years of age by September 1 of the school year and not enrolled in public school and for students enrolled in a private or home school setting, not later than the 45th school day following

the date on which the school district receives written consent for the evaluation, signed by a student's parent or legal guardian.

- (a-1) If a school district receives written consent signed by a student's parent or legal guardian for a full individual and initial evaluation of a student at least 35 but less than 45 school days before the last instructional day of the school year, the evaluation must be completed and the written report of the evaluation must be provided to the parent or legal guardian not later than June 30 of that year. The student's admission, review, and dismissal committee shall meet not later than the 15th school day of the following school year to consider the evaluation. If a district receives written consent signed by a student's parent or legal guardian less than 35 school days before the last instructional day of the school year or if the district receives the written consent at least 35 but less than 45 school days before the last instructional day of the school year but the student is absent from school during that period on three or more days, Subsection (a)(1) applies to the date the written report of the full individual and initial evaluation is required.
- (a-2) For purposes of this section, "school day" does not include a day that falls after the last instructional day of the spring school term and before the first instructional day of the subsequent fall school term. The commissioner by rule may determine days during which year-round schools are recessed that, consistent with this subsection, are not considered to be school days for purposes of this section.
- (a-3) Subsection (a) does not impair any rights of an infant or toddler with a disability who is receiving early intervention services in accordance with 20 U.S.C. Section 1431.
- (b) The evaluation shall be conducted using procedures that are appropriate for the student's most proficient method of communication.
- (c) If a parent or legal guardian makes a written request to a school district's director of special education services or to a district administrative employee for a full individual and initial evaluation of a student, the district shall, not later than the 15th school day after the date the district receives the request:
 - (1) provide an opportunity for the parent or legal guardian to give written consent for the evaluation; or
 - (2) refuse to provide the evaluation and provide the parent or legal guardian with notice of procedural safeguards under 20 U.S.C. Section 1415(b).

SECTION 2. Section 29.004, Education Code, as amended by this Act, applies to completion of a report of a full individual and initial evaluation of a public school student for purposes of special education services only as to an initial evaluation performed on or after September 1, 2013.

SECTION 3. This Act takes effect September 1, 2013.

For an Initial Evaluation: If the student moves from one campus to another within our district, the timelines still apply. If a student moves from one district to another in this same SSA timelines still apply.

TAC §89.1011. Full Individual and Initial Evaluation.

- (a) Referral of students for a full individual and initial evaluation for possible special education services must be a part of the Perryton Special Education SSA's overall, general education referral or screening system. Prior to referral, students experiencing difficulty in the general classroom should be considered for all support services available to all students, such as tutorial; remedial; compensatory; response to scientific, research-based intervention; and other academic or behavior support services. If the student continues to experience difficulty in the general classroom after the provision of interventions, district personnel must refer the student for a full individual and initial evaluation. This referral for a full individual and initial evaluation may be initiated by school personnel, the student's parents or legal guardian, or another person involved in the education or care of the student.
- (b) If a parent submits a written request to a school district's director of special education services or to a district administrative employee for a full individual and initial evaluation of a student, the school district must, not later than the 15th school day after the date the district receives the request:
 - (1) provide the parent with prior written notice of its proposal to conduct an evaluation consistent with 34 Code of Federal Regulations (CFR), §300.503; a copy of the procedural safeguards notice required by 34 CFR, §300.504; and an opportunity to give written consent for the evaluation; or
 - (2) provide the parent with prior written notice of its refusal to conduct an evaluation consistent with 34 CFR, §300.503, and a copy of the procedural safeguards notice required by 34 CFR, §300.504.
- (c) Except as otherwise provided in this section, a written report of a full individual and initial evaluation of a student must be completed as follows:
 - (1) not later than the 45th school day following the date on which the school district receives written consent for the evaluation from the student's parent, except that if a student has been absent from school during

- that period on three or more school days, that period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent; or
- (2) for students under five years of age by September 1 of the school year and not enrolled in public school and for students enrolled in a private or home school setting, not later than the 45th school day following the date on which the school district receives written consent for the evaluation from the student's parent.
- (d) The admission, review, and dismissal (ARD) committee must make its decisions regarding a student's initial eligibility determination and, if appropriate, individualized education program (IEP) and placement within 30 calendar days from the date of the completion of the written full individual and initial evaluation report. If the 30th day falls during the summer and school is not in session, the student's ARD committee has until the first day of classes in the fall to finalize decisions concerning the student's initial eligibility determination, IEP, and placement, unless the full individual and initial evaluation indicates that the student will need extended school year services during that summer.
- (e) Notwithstanding the timelines in subsections (c) and (d) of this section, if the school district received the written consent for the evaluation from the student's parent at least 35 but less than 45 school days before the last instructional day of the school year, the written report of a full individual and initial evaluation of a student must be provided to the student's parent not later than June 30 of that year. The student's ARD committee must meet not later than the 15th school day of the following school year to consider the evaluation. If, however, the student was absent from school three or more days between the time that the school district received written consent and the last instructional day of the school year, the timeline in subsection (c)(1) of this section applies to the date the written report of the full individual and initial evaluation is required.
- (f) If a student was in the process of being evaluated for special education eligibility by a school district and enrolls in another school district before the previous school district completed the full individual and initial evaluation, the new school district must coordinate with the previous school district as necessary and as expeditiously as possible to ensure a prompt completion of the evaluation in accordance with 34 CFR, §300.301(d)(2) and (e) and §300.304(c)(5). The timelines in subsections (c) and (e) of this section do not apply in such a situation if:
- (1) the new school district is making sufficient progress to ensure a prompt completion of the evaluation; and
 - (2) the parent and the new school district agree to a specific time when the evaluation will be completed.
- (g) For purposes of subsections (b), (c), and (e) of this section, school day does not include a day that falls after the last instructional day of the spring school term and before the first instructional day of the subsequent fall school term.
- (h) For purposes of subsections (c)(1) and (e) of this section, a student is considered absent for the school day if the student is not in attendance at the school's official attendance taking time or at the alternate attendance taking time set for that student. A student is considered in attendance if the student is off campus participating in an activity that is approved by the school board and is under the direction of a professional staff member of the school district, or an adjunct staff member who has a minimum of a bachelor's degree and is eligible for participation in the Teacher Retirement System of Texas.

For purposes of 89.1011(b) in addition to the Special Education Director, a district administrative employee is considered to be the local campus principal, assistant principal or counselor where a student attends.

§300.15 Evaluation. Evaluation means procedures used in accordance with §§300.304 through 300.311 to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs. (Authority: 20 U.S.C. 1414(a)—(c))

§300.302 Screening for instructional purposes is not evaluation.

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services. (Authority: 20 U.S.C. 1414(a)(1)(E))

This type of screening may occur without obtaining informed parental consent because it is not considered an evaluation for purposes of determining eligibility for special education. The Perryton Special Education SSA will determine person(s) considered a "specialist". The term "instructional strategies for curriculum implementation" is generally used to refer to strategies a teacher may use to more effectively teach children. 71 Fed Reg 46639 (August 14, 2006)

II. RE-EVALUATIONS

§300.303 Reevaluations.

- (a) **General.** The Perryton Special Education SSA must ensure that a reevaluation of each child with a disability is conducted in accordance with §§300.304 through 300.311 — *(found in this FIE Section)*
- (1) If the Perryton Special Education SSA determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or
 - (2) If the child's parent or teacher requests a reevaluation.
- (b) **Limitation.** A reevaluation conducted under paragraph (a) of this section--
- (1) May occur not more than once a year, unless the parent and the Perryton Special Education SSA agree otherwise; and
 - (2) Must occur at least once every 3 years, unless the parent and the Perryton Special Education SSA agree that a reevaluation is unnecessary. (Authority: 20 U.S.C. 1414(a)(2))

The review of existing evaluation data (REED) is part of the reevaluation process and the Perryton Special Education SSA is not required to obtain parental consent before reviewing existing data as part of an evaluation or reevaluation. (Feb. 6, 2007, OSEP Letter to Anonymous)

DNQ – Did not Qualify: The Perryton Special Education SSA will present the evaluation information to the parent and conduct the IEP meeting to document finding. District will give parent a copy of Notice of Decision summarizing decisions of IEP meeting.

Based on the findings, the Perryton Special Education SSA appraisal staff will determine if an ARD/IEP meeting needs to be scheduled to review the information or if the information can be reviewed at the upcoming annual ARD meeting.

- 1. If the reevaluation is a scheduled 3 year reevaluation and change is noted that would require discussion of eligibility or services, the ARD/IEP meeting will be scheduled within 30 calendar days from the date of the completion of the written full and individual evaluation report, unless otherwise noted in a previous ARD meeting. If the 30th day falls during the summer and school is not in session, the ARD committee shall have until the first week of classes in the fall to meet, unless the full and individual initial evaluation indicates that the student will need extended school year (ESY) services during that summer.*
- 2. If the reevaluation is a scheduled 3 year reevaluation and no change is noted that would require discussion of eligibility or services, the ARD/IEP meeting may be conducted at the regular annual ARD scheduled timeframe.*
- 3. If the reevaluation is for additional assessments requested by the ARD to determine behavioral, related services such as therapies or other needs and change is noted that would require discussion of eligibility or services, the ARD/IEP meeting will be scheduled within 30 calendar days from the date of the completion of the written full and individual evaluation report, unless otherwise noted in a previous ARD meeting.*

III. EVALUATION PROCEDURES

§300.304 Evaluation procedures.

- (a) **Notice.** The Perryton Special Education SSA will provide notice to the parents of a child with a disability, in accordance with §300.503, that describes any evaluation procedures the Perryton Special Education SSA proposes to conduct. *(see Section 7 for Notice and Consent including Consent for Certain Psychologicals)*
- (b) **Conduct of evaluation.** In conducting the evaluation, the Perryton Special Education SSA will --
- (1) Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent, that may assist in determining--
 - (i) Whether the child is a child with a disability under §300.8; and
 - (ii) The content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities);
 - (2) Not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child; and
 - (3) Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
- (c) **Other evaluation procedures.** The Perryton Special Education SSA must ensure that--
- (1) Assessments and other evaluation materials used to assess a child under this part--
 - (i) Are selected and administered so as not to be discriminatory on a racial or cultural basis;
 - (ii) 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 so provide or administer;
 - (iii) Are used for the purposes for which the assessments or measures are valid and reliable;
 - (iv) Are administered by trained and knowledgeable personnel; and
 - (v) Are administered in accordance with any instructions provided by the producer of the assessments.
 - (2) 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.
 - (3) Assessments are selected and administered so as best to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).
 - (4) The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;
 - (5) Assessments of children with disabilities who transfer from one public agency to another public agency in the same academic year are coordinated with those children's prior and subsequent schools, as necessary and as expeditiously as possible, consistent with §300.301 (d)(2) and (e), to ensure prompt completion of full evaluations.
 - (6) In evaluating each child with a disability under §§300.304 through 300.306, the evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.
 - (7) Assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided.

The Perryton Special Education SSA ensures evaluation procedures are followed by hiring qualified, certified and licensed professionals. Continual training is offered through a variety of resources including but not limited to the following: the education service center, the TEA TETN, state wide conferences, and legal academies, and any areas needing improvement or additional training for diagnosticians are identified and documented as an area

for professional growth. The special education office (and the office of personnel) maintains files of additional training attended.

§300.310 Observation.

- (a) **The Perryton Special Education SSA must ensure that the child is observed in the child's learning environment, including the regular classroom setting, to document the child's academic performance and behavior in the areas of difficulty.**
- (b) **The group described in §300.306(a)(1), in determining whether a child has a specific learning disability, must decide to—**
 - (1) **Use information from an observation in routine classroom instruction and monitoring of the child's performance that was done before the child was referred for an evaluation; or**
 - (2) **Have at least one member of the group described in §300.306(a)(1) conduct an observation of the child's academic performance in the regular classroom after the child has been referred for an evaluation and parental consent, consistent with §300.300(a), is obtained.**
- (c) **In the case of a child of less than school age or out of school, a group member must observe the child in an environment appropriate for a child of that age.**

Parental consent is not required for observations conducted as part of routine classroom instruction and monitoring of the child's performance before the child is referred for an evaluation.

TEC § 38.003. Screening and Treatment for Dyslexia and Related Disorders. [Excerpt]

- (a) Students enrolling in public schools in this state shall be tested for dyslexia and related disorders at appropriate times in accordance with a program approved by the State Board of Education.
- (b) In accordance with the program approved by the State Board of Education, the board of trustees of each school district shall provide for the treatment of any student determined to have dyslexia or a related disorder.
- (b-1) Unless otherwise provided by law, a student determined to have dyslexia during testing under Subsection (a) or accommodated because of dyslexia may not be retested for dyslexia for the purpose of reassessing the student's need for accommodations until the district reevaluates the information obtained from previous testing of the student.

TEC § 38.016. Psychotropic Drugs and Psychiatric Evaluations or Examinations.

- (a) In this section:
 - (1) "Parent" includes a guardian or other person standing in parental relation.
 - (2) "Psychotropic drug" means a substance that is:
 - (A) used in the diagnosis, treatment, or prevention of a disease or as a component of a medication; and
 - (B) intended to have an altering effect on perception, emotion, or behavior.
- (b) A school district employee may not:
 - (1) recommend that a student use a psychotropic drug; or
 - (2) suggest any particular diagnosis; or
 - (3) use the refusal by a parent to consent to administration of a psychotropic drug to a student or to a psychiatric evaluation or examination of a student as grounds, by itself, for prohibiting the child from attending a class or participating in a school related activity.
- (c) Subsection (b) does not:
 - (1) prevent an appropriate referral under the child find system required under 20 U.S.C. Section 1412, as amended; or
 - (2) prohibit a school district employee who is a registered nurse, advanced nurse practitioner, physician, or certified or appropriately credentialed mental health professional from recommending that a child be evaluated by an appropriate medical practitioner; or
 - (3) prohibit a school employee from discussing any aspect of a child's behavior or academic progress with the child's parent or another school district employee.
- (d) The board of trustees of each school district shall adopt a policy to ensure implementation and enforcement of this section.
- (e) An act in violation of Subsection (b) does not override the immunity from personal liability granted in Section 22.0511 or other law or the district's sovereign and governmental immunity.

A licensed counselor or nurse needs to be present and leading the discussion with a parent/guardian about possible need for drugs, prescriptions and medications to mitigate behaviors interfering with learning. Their leadership presence is not necessary when discussing medication already prescribed; however, it is highly recommended from a school health and related service perspective.

IV. REVIEW OF EXISTING EVALUATION DATA (REED)

§300.305 Additional requirements for evaluations and reevaluations.

- (a) **Review of existing evaluation data.** As part of an initial evaluation (if appropriate) and as part of any reevaluation under this part, the IEP Team and other qualified professionals, as appropriate, must--
- (1) Review existing evaluation data on the child, including—
 - (i) Evaluations and information provided by the parents of the child;
 - (ii) Current classroom-based local or State assessments, and classroom-based observations; and
 - (iii) Observations by teachers and related services providers; and
 - (2) On the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine--
 - (i) (A) Whether the child is a child with a disability, as defined in §300.8, and the educational needs of the child; or
 - (B) In case of a reevaluation of a child, whether the child continues to have such a disability, and the educational needs of the child;
 - (ii) The present levels of academic achievement and related developmental needs of the child;
 - (iii) (A) Whether the child needs special education and related services; or
 - (B) In the case of a reevaluation of a child, whether the child continues to need special education and related services; and
 - (iv) 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 IEP of the child and to participate, as appropriate, in the general education curriculum.
- (b) **Conduct of review.** The group described in paragraph (a) of this section may conduct its review without a meeting. *In the Perryton Special Education SSA we will review existing data and plan for any necessary reevaluation during an IEP meeting because all of the required members of the group will be in attendance.*
- (c) **Source of data.** The Perryton Special Education SSA must administer such assessments and other evaluation measures as may be needed to produce the data identified under paragraph (a) of this section.
- (d) **Requirements if additional data are not needed.**
- (1) If the IEP Team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the child continues to be a child with a disability, and to determine the child's educational needs, the Perryton Special Education SSA must notify the child's parents of —
 - (i) That determination and the reasons for the determination; and
 - (ii) The right of the parents to request an assessment to determine whether the child continues to be a child with a disability, and to determine the child's educational needs.
 - (2) The Perryton Special Education SSA is not required to conduct the assessment described in paragraph (d)(1)(ii) of this section unless requested to do so by the child's parents.
- (e) **Evaluations before change in placement.**
- (1) Except as provided in paragraph (e)(2) of this section, the Perryton Special Education SSA must evaluate a child with a disability in accordance with §§300.304 through 300.311 before determining that the child is no longer a child with a disability.
 - (2) The evaluation described in paragraph (e)(1) of this section is not required before the termination of a child's eligibility under this part due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for FAPE under State law.
 - (3) For a child whose eligibility terminates under circumstances described in paragraph (e)(2) of this section, the Perryton Special Education SSA must provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals. (Authority: 20 U.S.C. 1414(c))

The group of qualified professionals in the Perryton Special Education SSA include the same members that are required for attendance is the ARD / IEP Team.

V. DETERMINATION OF ELIGIBILITY

§300.306 Determination of eligibility.

(a) **General.** Upon completion of the administration of assessments and other evaluation measures--

- (1) A group of qualified professionals and the parent of the child determines whether the child is a child with a disability, as defined in §300.8, in accordance with paragraph (b) of this section and the educational needs of the child; and
- (2) The Perryton Special Education SSA provides a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.

The copy of the evaluation report will be provided to the parent by the appraisal staff, prior to the ARD/IEP meeting if possible. It is important to review the information with the parent, therefore, if the report cannot be provided prior to the ARD meeting, it will be provided at the meeting. If the parent is not in attendance, the copy will be mailed to the parent after every effort has been made to discuss the report on the phone or in a conference.

(b) **Special rule for eligibility determination.** A child must not be determined to be a child with a disability under this part--

- (1) If the determinant factor for that determination is--
 - (i) Lack of appropriate instruction in reading, including the essential components of reading instruction (as defined in section 1208(3) of the ESEA); *see below*
 - (ii) Lack of instruction in math; or
 - (iii) Limited English proficiency; and
- (2) If the child does not otherwise meet the eligibility criteria under §300.8(a).

(c) **Procedures for determining eligibility and educational need.**

- (1) In interpreting evaluation data for the purpose of determining if a child is a child with a disability under §300.8, and the educational needs of the child, the Perryton Special Education SSA must--
 - (i) Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, as well as recommendations about the child's physical condition, social or cultural background, and adaptive behavior; and
 - (ii) Ensure that information obtained from all of these sources is documented and carefully considered.
- (2) If a determination is made that a child has a disability and needs special education and related services, an IEP must be developed for the child in accordance with §§300.320 through 300.324.

§300.306(b)(1) - referring to (section 1208 of ESEA – NCLB *from above*) are the Reading components meaning explicit and systematic instruction in

- (A.) phonemic awareness;
- (B.) phonics;
- (C.) vocabulary development;
- (D.) reading fluency, including oral reading skills; and
- (E.) reading comprehension strategies.

Following the required timelines, the ARD Committee will meet to review the FIE and determine if the child is a child with a disability and if there is an educational need in order for the student to be eligible for special education services.

VI. ADDITIONAL PROCEDURES FOR IDENTIFYING CHILDREN WITH SPECIFIC LEARNING DISABILITIES

For all additional guidelines specific to Learning Disability Eligibility, please see Section 3. - Disability Criteria. Section 3 of this manual will list both the Federal Regulations below and the new state TAC §89.1040(c)(9) Learning Disability Eligibility Criteria that will be followed by the Perryton Special Education SSA.

§300.307 Specific learning disabilities.

§300.308 Additional group members.

§300.309 Determining the existence of a specific learning disability.

§300.310 Observation.

§300.311 Specific documentation for the eligibility determination.

VII. WRITTEN EVALUATION REPORTS (including Related Service Reports)

TAC §89.1011. Full Individual and Initial Evaluation.

(c) Except as otherwise provided in this section, a written report of a full individual and initial evaluation of a student must be completed as follows:

- (1) not later than the 45th school day following the date on which the school district receives written consent for the evaluation from the student's parent, except that if a student has been absent from school during that period on three or more school days, that period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent; or
- (2) for students under five years of age by September 1 of the school year and not enrolled in public school and for students enrolled in a private or home school setting, not later than the 45th school day following the date on which the school district receives written consent for the evaluation from the student's parent.

For TAC §89.1011 in its entirety, see I. EVALUATION - in this Section 2.

A written evaluation report for any disability or eligibility for related services will include all of the requirements in §89.1011 (c) and §300.311 (a – b) and documented on the district forms. In addition, specific requirements for each specific disability category found in Section 3-Disability Criteria will also be documented in the written evaluation report.

Assessment protocols will be filed in a separate folder and will not be filed with the written evaluation report. Label with student name and. Parents or adult students have access to educational records including a review of test protocols. Please contact the school's Educational Diagnostician or the Director of Special Education in writing in order to review test protocols. Arrangements will be made to have the appropriate professional review the protocol with the parent or adult student.

§300. 311 Specific documentation for the eligibility determination.

(a) For a child suspected of having a **specific learning disability**, the documentation of the determination of eligibility, as required by §300.306(a)(2), must include a statement of--

- (1) Whether the child has a specific learning disability;
- (2) The basis for making the determination, including an assurance that the determination has been made in accordance with §300.306(c)(1);
- (3) The relevant behavior, if any, noted during the observation of the child and the relationship of that behavior to the child's academic functioning;
- (4) The educationally relevant medical findings, if any;
- (5) Whether --
 - (i) The child does not achieve adequately for the child's age or to meet State-approved grade-level standards consistent with §300.309(a)(1); and
 - (ii) (A) The child does not make sufficient progress to meet age or State-approved grade-level standards consistent with § 300.309(a)(2)(i); or
 - (B) 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 consistent with § 300.309(a)(2)(ii).
- (6) The determination of the group concerning the effects of a visual, hearing, or motor disability; mental retardation, emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency on the child's achievement level; and
- (7) If the child has participated in a process that assesses the child's response to scientific, research-based intervention--
 - (i) The instructional strategies used and the student-centered data collected;
 - (ii) The documentation that the child's parents were notified about—
 - (A) The State's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided;
 - (B) Strategies for increasing the child's rate of learning; and
 - (C) The parents' right to request an evaluation.

(b) Each group member must certify in writing whether the report reflects the member's conclusion. If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusions. (Authority: 20 U.S.C. 1221e-3; 1401(30); 1414(b)(6))

Contract evaluation personnel (which includes personnel who complete evaluations for Independent Educational Evaluations) must provide assessment results, recommendations and report to Perryton Special Education SSA prior to reviewing and/or sending information to parents.

The Perryton Special Education SSA office has a list of approved Independent Evaluators; diagnosticians, psychologists, Occupational and Physical Therapists, etc.

VIII. EVALUATION OF LANGUAGE, PHYSICAL, SOCIOLOGICAL, AND OTHER CONDITIONS

A. Language Dominance

The evaluation team will first determine the student's dominant language most proficient method of communication (expressively and receptively). The student's dominant language is the language in which the student is most proficient. This determination may be made by formal or informal evaluation. Evaluation instruments must be administered in the student's dominant language (native language or other mode of communication unless it is clearly not feasible to do so). If the primary language of the home is not English, the student will be evaluated in his/her dominant language. Documentation will be Oral Language Proficiency scores, the LPAC report or a description of procedures used to ensure the student was evaluated in his/her dominant language when the examiner is not proficient in that language. Where no bilingual examiner is available, an interpreter may be used. Interpreters will be adequately trained by SSA staff.

B. Language Proficiency

The evaluation team must determine the student's most proficient method of communication. The language proficiency information must indicate the student's skill in understanding and using both receptive and expressive domains, such as oral and written language, reading comprehension, and listening comprehension, when appropriate. Proficiency in both English and the other language(s) must be addressed for Limited English Proficient (LEP) students. (see guidelines in the Referral section I for ELL students and coordination with the LPAC to differentiate proficiency and disability)

TAC §89.1230. Eligible Students with Disabilities. (language proficiency)

- (a) Perryton Special Education SSA will implement assessment procedures which differentiate between language proficiency and handicapping conditions in accordance with Subchapter AA of this chapter (relating to Special Education Services), and will establish placement procedures which ensure that placement in a bilingual education or English as a second language program is not refused solely because the student has a disability.

C. Physical

The evaluation of an individual's physical factors (including health, vision, hearing, and psycho-motor abilities) must consist of an examination of physical conditions that directly affect the student's ability to profit from the educational process. A general medical examination will be required only when specified by eligibility criteria or when abnormal physical factors have been identified as part of the evaluation of physical factors. The health information collected during the referral process will be sufficient if a complete medical examination is not required by specific eligibility criteria and if there are no indications of need for further physical evaluation.

When requesting a medical examination these steps are required:

- 1. SSA evaluation personnel are to obtain a Notice of Release of Confidential Information release of confidential information from the parents.*
- 2. Submit the following forms to the SSA Director of special education designated responsible for securing contract services:*
 - a. Notice of Release of Confidential Information with contact information, signed by parent*
 - b. Eligibility form(s) for area of suspected disability*
 - c. And obtain approval for assessment*
- 3. SSA Director will make arrangements for the medical/physical evaluation*

D. Emotional/Behavioral

The evaluation of an individual's emotional and behavioral factors will consist of formally or informally identifying those characteristics manifested in in-school or out-of-school behavior, or both, which may influence learning. The evaluation will include behaviors relative to the disability that may affect educational

placement, programming, or discipline. Adaptive behavior of all students must be considered to some degree, formal measures are required only when establishing a diagnosis of intellectual disability.

E. Sociological

The evaluation of an individual's sociological variables must consist of identifying the child's family and community environmental situation influencing learning and behavioral patterns. Students will not be eligible for special education if the only deficiencies identified are directly attributable to a different cultural lifestyle or to their not having had educational opportunities.

F. Cognitive

The evaluation of an individual's cognitive functioning must include an evaluation of verbal ability or performance or both. Cognitive functioning should be the last factor assessed, since the student's performance in this area should be analyzed and interpreted in light of all the other data. While the adaptive behavior of all students must be considered to some degree, formal measures of adaptive behavior will be required only when a student is being assessed for intellectual disability. Intelligence must always be addressed. An informal evaluation of cognitive ability may be used to determine cognitive functioning as a part of eligibility for certain disabilities at the discretion of the evaluation team.

IX. EVALUATION OF LEARNING COMPETENCIES (Academic Achievement and Functional Performance)

The evaluation report will include:

- A. criterion-referenced or curriculum-referenced assessments designed to aid in the development of the student's IEP; (include any district wide and state testing, benchmarks, etc.)*
- B. information about the student's strengths and weaknesses; and*
- C. the specific modifications of instructional content, accommodations, methods and/or materials required by the student to achieve and maintain satisfactory progress, including those that can only be provided through special education services, and those adaptations necessary for the student's progress in general classes and other special and compensatory education programs.*

*See also Section IV. previously for **§300.305. Additional requirements for evaluations and reevaluations***

X. ASSISTIVE TECHNOLOGY DEVICES AND SERVICES

§300.5 Assistive technology device. Assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted, or the replacement of such device.

§300.6 Assistive technology service. Assistive technology service means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. The term includes-

- (a) The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;
- (b) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;
- (c) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
- (d) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
- (e) Training or technical assistance for a child with a disability or, if appropriate, that child's family; and
- (f) Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of that child. (Authority: 20 U.S.C. 1401(2))

§300.105 Assistive technology; proper functioning of hearing aids.

- (a) The Perryton Special Education SSA must ensure that assistive technology devices or assistive technology services, or both, as those terms are defined in §§300.5 and 300.6, respectively, are made available to a child with a disability if required as a part of the child's--
 - (1) Special education under §300.36;
 - (2) Related services under §300.34; or
 - (3) Supplementary aids and services under §§300.38 and 300.114(a)(2)(ii).
- (b) On a case-by-case basis, the use of school-purchased assistive technology devices in a child's home or in other settings is required if the child's IEP Team determines that the child needs access to those devices in order to receive FAPE. (Authority: 20 U.S.C. 1412(a)(1), 1412(a)(12)(B)(i))

Click link to review the Assistive Technology Region 4 ESC Leadership Function/Project which TEA supports.
www.texasat.net <http://www.texasat.net/>

Each student initially assessed for determination of a disability will be assessed for assistive technology needs using the Assistive Technology Screener/Informal Evaluation tool in the referral packet. Also additional assessment will take place within the ARD based on Initial Screener. If the ARD committee determines a need for a more in-depth evaluation by the ASSIST Team, the diagnostician will contact the Director of SSA so child can be assessed in a formal manner by a multi disciplinary team which may include PT,OT, teacher, parent and AT coordinator .

The assistive technology evaluation team, ASSIST, may include any of the following professionals: Occupational Therapist, Physical Therapist, Speech Pathologist, Diagnostician, Teacher of Visually Impaired, others as needed. Additional information in Referral section.

XI. SPECIAL PROVISIONS

Any area assessed below requires review of existing evaluation data by the student's ARD/IEP Committee or the request may have come from the initial referral.

A. Adapted Physical Education

Adapted physical education evaluations will be administered by appropriately trained physical education or special education personnel: teachers and physical therapist. A written report should be completed to address the student's physical strengths and weaknesses and recommendations for specific services to be considered by the ARD/IEP committee. (see also Instructional Arrangements Section 5)

B. Atlantoaxial Dislocation Condition

Students identified as having Down's Syndrome are at-risk for having a condition of the neck that necessitates restriction of physical education activities. This condition is called Atlantoaxial Dislocation Condition (ADC) or Atlantoaxial Instability. In order to determine the presence or absence of this condition, x-rays are required beginning at approximately three years of age or as soon as students enroll. Diagnosticians will notify parents of the need for Notice of Release of Confidential Information

C. Attention Deficit Disorder (ADD-ADHD) see also Section 3 – Disability Criteria for OHI

Remember when conferencing with parent:

- 1. discuss the educational needs with parent and possible strategies*
- 2. discuss possible need for further evaluation.*
- 3. discuss other information: the manner in which testing would be conducted (time lines, etc),*
- 4. the general education staff does not provide the parent a copy of the OHI Disability Report for the physician*

After the review of existing data is completed:

- 1. appropriate evaluation measures will be administered,*
- 2. If RtI Committee notes concerns regarding attention and requests an evaluation be completed to review possible eligibility for the student under Other Health Impairment due to ADD, it is the Campus Diagnostician's responsibility to request a psychological or medical evaluation after review of records at discretion of nurse, LSSP or LCP. Campus Diagnostician and LSSP, nurse or LPC will collaborate to review student's possible eligibilities.*

If OHI is pursued:

- 1. the Physician's Report form must be completed by a medical doctor,*
- 2. the medical form is for diagnosis only - we do not pursue medication,*
- 3. ask if the parent has a doctor who knows the student,*
- 4. the medical doctor is just one member of the multidisciplinary team.*

Caution: *Remember that a student may be diagnosed by a physician as having ADD or ADHD but the student may not necessarily have an educational need for special education services. Determination of educational need is made by the ARD/IEP Committee considering all data. Needs of some students may be addressed by the local campus Section 504 committee or classroom strategies. If you have any questions, please review with your Perryton Special Education SSA campus personnel or call the Perryton Special Education SSA special education office.*

D. Auditory Impairment

When considering students who have auditory impairments, a professional certified in the education of students with auditory impairments will be assigned to assist in:

- 1. determining appropriate areas of evaluation;*
- 2. developing or determining appropriate evaluation techniques;*

3. *conducting evaluations when appropriate; and*
4. *interpreting data to ensure consideration and understanding of the educational, psychological, and social implications of the disability.*

Birth – 2 years or Deaf-Blind:

When considering students from birth through age two that have auditory impairments, or students who are deaf-blind, a teacher of infants who have auditory impairments or a teacher of students who are deaf-blind, as appropriate, may perform the evaluation specified above. Perryton SSA contracts with the Regional Program for Deaf to provide services for the hearing impaired infant through the ECI program when certified personnel are not available within the SSA.

Click link to review the Region 11 ESC Deaf, Hard of Hearing Statewide Function/Project which TEA supports.
<https://texasdeafed.org/>

E. Autism

The team of professionals that completes the evaluation process for autism will include a psychologist or LSSP, a speech/language pathologist, a diagnostician, and any other professional appropriate. The parent is also a critical member of the team.

Click link to review the Region 13 ESC Autism Statewide Leadership Function/Project which TEA supports.
<http://www.txautism.net/evaluations>

F. Evaluation of Very Young or Students with Severe Disabilities

If the evaluation team cannot test these students in accordance with the guidelines listed under the individual evaluation section of this procedure manual, the team must document the rationale for deviating from the standard procedure, as well as, state modifications used and present the results of the evaluation. The written report will specify the nature and extent of the disability. The educational evaluation of such a student may be limited to competency based or criterion referenced measures. Outside evaluations will also be considered.

G. Functional Behavioral Assessment

Functional Behavioral Assessment is completed when a student's behavior impedes educational progress for the student or other students in the classroom. Include the general education teacher in gathering the information below in order to develop the BIP:

1. *target the specific behavior that is impeding learning by clearly defining and describing the observable behavior(s).*
2. *obtain information from a variety of sources including but not limited to: discussions, interviews, records, and direct observation. Also use any standardized instruments if available. Determine duration, frequency, and intensity of any patterns of behavior.*
3. *identify and describe any antecedents - events that logically serve as the stimulus for the behavior.*
4. *identify and describe any consequences - this is the action that is following and causes the student to maintain specific behavior - determine effectiveness of each.*
5. *determine the purpose of the student's behavior - usually to get something, avoid or escape something, or to control the antecedent event.*
6. *describe the relationship of the behavior to the event and provide possible variables that can be changed in the setting or the situation.*
7. *develop the behavioral intervention plan (BIP). Teach alternatives to the behavior and include positive reinforcement along with consequences.*
8. *consistently implement, allow enough time for the BIP to work, and then review as needed.*

Federal Guidelines stipulate required timelines. If the student's ARD committee agrees that there is a need for a functional behavior assessment, the committee may determine that there is enough data to complete the assessment at the ARD. If there is insufficient data to complete the assessment at the ARD, the ARD committee determines the timeline for the assessment(s) to be completed, which may be more than 10 days if warranted.

Click link to review the Region 4 ESC Behavior Support Initiative Statewide Function which TEA supports.
<http://www.txbehaviorsupport.org/>

H. Homebound or Hospitalized

All students referred for consideration as homebound or hospital need evaluation information that describes the student's functioning in the following areas: health, vision, hearing, social emotional status, general cognitive ability, academic performance, communication, and motor abilities so the ARD/IEP committee can determine eligibility for special education.

TAC §89.63. Any student who is placed in the special education homebound instructional arrangement/setting must meet the following four criteria:

- be eligible for special education and related services as determined by an ARD committee;
- is expected to be confined at home or hospital bedside for a minimum of four consecutive weeks (instruction may, as provided by local district policy, also be provided to chronically ill students who are expected to be confined for any period of time totaling at least four weeks throughout the school year as documented by a physician licensed to practice in the United States);
- be confined for medical reasons only (unless the child is 0 – 5 years of age); and
- a medical condition is documented by a physician licensed to practice in the United States. 19 TAC §89.63(c)(2)(A)

In making eligibility and placement decisions the ARD committee must consider the physician's information. However, the physician's note/information is not the sole determining factor in the committee's decision making process.

General Education Homebound (GEH)

Any general education student should be referred to the local campus GEH committee. For more information see the Student Attendance Accounting Manual: <http://tea.texas.gov/index2.aspx?id=25769817607>

I. Limited English Proficient

§300.27 Limited English proficient. Limited English proficient has the meaning given the term in section 9101 (25) of the ESEA. (Authority U.S.C. 1401(18))

(See also Home Language Survey and LPAC in this Referral Section)

1. For all LEP (Limited English Proficient) Students:

- A. The LPAC report, which must have been completed within the past year, must be included with the referral packet. The student should have been tested in English and Spanish.*
- B. If this is a new referral, information will include: Initial referral information, LPAC report, LAS scores or equivalent test, amount of time in ESL, Home Language Survey copy and possibly results of Munoz administered by the ESL/Bilingual teacher.*
- C. If you have planned a reevaluation, this information must be included.*

2. Speech only referral:

- A. (LANGUAGE) The language proficiency assessment (ex. LAS, IDEA) should be considered with regard to the following:

 - i. If the student is proficient in English and has a lower proficiency in a language other than English (LOTE), the normal procedures for the speech pathologist evaluations are followed. Assessment would be conducted in English.*
 - ii. If the student is proficient in a LOTE and not in English, then following a review of existing data, an assessment would be conducted in a LOTE. To meet eligibility criteria for Speech Impaired the student would have to show deficits in a LOTE (following the same eligibility criteria for SI for Perryton Special Education SSA). An evaluation in English may still be warranted.*
 - iii. If the student is barely proficient in both languages, assessment should be completed in the student's dominant language. You may also consult with the Director of Perryton Special Education SSA.*
 - iv. If the student is proficient in both languages, assessment should be completed in the student's dominant language.**
- B. (ARTICULATION) The articulation evaluation should be considered with regard to the following: Differences cannot be considered true articulation errors when the student pronounces or omits sounds*

using rules or learned behaviors from a different language or dialect.

3. *Other Referrals (LD, MR, etc.):*

- A. *The language evaluation (ex. LAS, IDEA, MUNOZ) should be considered with regard to the following:*
- i. *If the student is proficient in English and has a lower proficiency in a language other than English (LOTE), the normal procedures for the speech pathologist evaluations are followed. Assessment would be conducted in English.*
 - ii. *If the student is proficient in a LOTE and not in English, then following a review of existing data, an assessment would be conducted in a LOTE. To meet eligibility criteria for Speech Impaired the student would have to show deficits in a LOTE (following the same eligibility criteria for SI for Perryton Special Education SSA). An evaluation in English may still be warranted.*
 - iii. *If the student is barely proficient in both languages, assessment should be completed in the student's dominant language. You may also consult with the Director of Perryton Special Education SSA.*
 - iv. *If the student is proficient in both languages, assessment should be completed in the student's dominant language.*
- B. *If the student is not proficient in either language, a bilingual assessment should be requested. The bi-lingual evaluator may provide guidance as to the appropriateness of a full bi-lingual evaluation. Consideration should be given to the following:*
- i. *Students who have been in English speaking schools for less than two years should be given careful consideration relative to referral.*
 - ii. *If the student has received English instruction for two or more years and there is no evidence of previous academic instruction in Spanish or another language, the LPAC may recommend testing in English or use of an interpreter.*

J. Speech Impairment

For students referred for speech/language suspected disability, the evaluation will be performed and documented by a certified speech and language pathologist, certified speech and hearing therapist, or a licensed speech/language pathologist. All of the areas including evaluation of physical, mental, and emotional conditions and learning competencies will be addressed in the evaluation; however, the depth of the evaluation to be performed for each area is identified in our [Speech Therapy Guidelines](#). The written report of evaluation will include the level of severity of the impairment as determined by our [Speech Therapy Guidelines](#) and will state how the communication disorder affects the student's performance in the classroom resulting in an educational need for speech therapy services.

K. Visual Impairment (see also Section 3. DISABILITY and Section 4b)

When considering students who have visual impairments, a professional certified in the education of students with visual impairments will be assigned to assist in:

1. *determining appropriate areas of evaluation;*
2. *developing or determining appropriate evaluation techniques;*
3. *conducting evaluations when appropriate; and*
4. *interpreting data to ensure consideration and understanding of the educational, psychological, and social implications of the disability; and*
5. *collecting appropriate medical documentation.*

When considering students from birth through age two that have visual impairments, or students who are deaf-blind, a teacher of infants who have visual impairments or a teacher of students who are deaf-blind, as appropriate, may perform the evaluation specified above.

Click link to review the Region 11 ESC Blind or Visually Impaired Statewide Function/Project which TEA supports. <http://www.slsbvitexas.org/site/default.aspx?PageID=1>

L. Vocational Evaluation (including FVE)

Special education will collect vocational evaluation data when appropriate. As the ARD/IEP committee begins discussion and planning for entry into the high school curriculum and discusses the graduation plan of the

student, vocational evaluation may be determined appropriate. (For information on the Vocational Adjustment Coordination Program see Instructional Arrangements Section.)

- 1. The ARD/IEP committee may recommend vocational evaluation when:

 - A. the student has no specific identified skills which are determined necessary for employment, or*
 - B. the student has no idea of vocational opportunities or careers of any interest.**
- 2. Based on ARD/IEP committee recommendation, occupational preparation needs may be reviewed and may include the following:

 - A. the Full and Individual Evaluation;*
 - B. the current IEP;*
 - C. information about past school performance;*
 - D. work training history; and*
 - E. interviews with student, parent, and teacher(s). The interviews include attitudes, work habits, behaviors, job readiness, work-related skills, and post-school expectations.**
- 3. The assigned special education teacher will explain to parents the purpose of the vocational review. Results of the vocational evaluation may be discussed with the student prior to being filed in the student's special education folder. The results will also be discussed at the annual ARD/IEP committee meeting.*
- 4. If the review of the records in #2. above indicates, additional vocational interest and aptitude evaluation may be recommended by the ARD/IEP committee. The special education teacher and/or speech pathologist are responsible for sending the Notice and Consent for a Full and Individual Evaluation to the parent prior to the evaluation. Evaluation will begin no earlier than five school days after notification in accordance with Perryton Special Education SSA guidelines.*
- 5. For students with disabilities whose initial vocational evaluation, does not yield measurable results or sufficient information for planning appropriate occupational preparation, additional vocational evaluation may be required such as: review of work samples, situational evaluations, and work behaviors analysis. Observation, training sites, or other instructional programs and settings may be used to provide part of this data.*
- 6. Situational assessment of students placed in campus-based and community-based job-training options as a part of the student's educational program will be conducted by special education instruction staff on an ongoing basis. Reports will be filed in the teacher's student folder and reviewed at each annual ARD/IEP meeting.*

Functional Vocational Evaluation.

The ARD/IEP committee will consider any recommendations as a result of Transition Planning. Transition services means a coordinated set of activities for a student with a disability that includes if appropriate a functional vocational evaluation. If the ARD/IEP committee recommends this, a qualified professional will conduct the evaluation.

- 1. The evaluation will include but not be limited to: observation in vocational settings, interview with teacher and parents, and other formal or informal evaluations as appropriate.*
- 2. Results of the evaluation including strengths and weaknesses will be addressed in a written report maintained in the eligibility file.*

Functional Vocational Evaluation *is just one component of transition planning that is included "if appropriate". The IEP committee determines if a functional vocational evaluation is appropriate. It may be necessary if the student cannot determine a career interest area or if it is difficult determining the student strengths and needs. It may be considered appropriate for students*

- 1. who would benefit from the "hands-on" experience afforded by work sampling, observations, situational assessment,*
 - 2. difficult to determine career interests or explore careers, and*
 - 3. who may need to showcase talents other than those limited to academic classes where they traditionally have been unsuccessful.*
- Functional Vocational Evaluation (FVE) is a systematic assessment process used to identify practical useable career and employment-related information about an individual.*
 - FVE can incorporate multiple formal and informal assessment techniques to observe, describe, measure, and predict vocational potential. A distinctive feature in all FVE's is that FVE includes (and may emphasize) individualized experiential and performance-based opportunities, in natural vocational or work environments.*
 - More important than the type of assessment used is that the process is a systematic method used to collect and organize information. This process may begin early and be quite broad during the middle school years, but becomes increasingly more specific as the student moves closer to graduation. This is not a task that will be*

done one time only, but rather will be built upon as the student has new experiences and can be documented with data over time.

This Functional Vocational Evaluation procedure considers and documents the interactions of the student with instructors, peers, and employers. Include:

- 1. interviews;*
- 2. observation, inventories, surveys, and record reviews; personality and temperament*
- 3. career exploration of student's interests, values, attitudes, and social skills.*
- 4. situational assessment of student's interests, skills, strengths, temperaments; work demands environmental factors abilities, motivation, physical capacity, and work tolerance work habits,*
- 5. training needs;; assistive technology; necessary adaptations and*
- 6. multi-agency planning and assessment.*

XII. APPRAISAL PERSONNEL *(see also Personnel in Section 8-Administration)*

§300.156 Personnel qualifications.

- (a) **General.** The SEA must establish and maintain qualifications to ensure that personnel necessary to carry out the purposes of this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities.
- (b) **Related services personnel and paraprofessionals.** The qualifications under paragraph (a) of this section must include qualifications for related services personnel and paraprofessionals that--
- (1) Are consistent with any State-approved or State-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services; and
 - (2) Ensure that related services personnel who deliver services in their discipline or profession--
 - (i) Meet the requirements of paragraph (b)(1) of this section; and
 - (ii) Have not had certification or licensure requirements waived on an emergency, temporary, or provisional basis; and
 - (iii) Allow paraprofessionals and assistants who are appropriately trained and supervised, in accordance with State law, regulation, or written policy, in meeting the requirements of this part to be used to assist in the provision of special education and related services under this part to children with disabilities.
- (c) for remaining portion *see Administrativ section 8 of this document*

22 TAC § 465.38. Psychological Services in the Schools. [Excerpt]

This rule acknowledges the unique difference in the delivery of school psychological services in the public schools from psychological services in the private sector. The Board recognizes the purview of the State Board of Education and the Texas Education Agency in safeguarding the rights of public school children in Texas. The mandated multidisciplinary team decision making, hierarchy of supervision, regulatory provisions, and past traditions of school psychological service delivery both nationally and in Texas, among other factors, allow for rules of practice in the public schools which reflect these occupational distinctions from the private practice of psychology.

(1) Definition.

- (C) The assessment of emotional or behavioral disturbance, for educational purposes, using psychological techniques and procedures is considered the practice of psychology.

Appraisal /evaluation personnel will review referral data, determine suspected disability, and route the referral to the appropriate special education evaluation staff. Professionals will be assigned to conduct evaluations only in the areas for which they have been trained. Evaluation staff will provide evaluation and educational information to the ARD/IEP committee as needed. Perryton Special Education SSA evaluation personnel and their responsibilities include:

a. Adapted P.E. teacher, sp. ed teacher ror physical therapist or Regional Education Service Center Consultant:

- 1. administers screening/evaluation for possible adapted physical education services, and*
- 2. completes a written report with recommendations.*

b. Auditory Impairments (AI):

Evaluation and services for students with auditory impairments will be provided by appropriately qualified personnel. Personnel from the Regional Day School for the Deaf or other appropriate personnel may be used as needed.

c. Educational Diagnostician:

- 1. administers cognitive and academic/developmental evaluations;*
- 2. administers evaluations of learning competencies for initial evaluations and re-evaluations;*
- 3. participates on multidisciplinary team evaluations for autistic, learning disabled, multiple disabilities, etc.;*
- 4. assists in evaluation of vocational skills and needs;*
- 5. may serve on the RtI Committee or 504 Committee on assigned campus; and*
- 6. interprets evaluation data orally and in a written report to the ARD/IEP committee.*

d. In Home/Parent Trainer:

1. administers screening and evaluation for possible In-Home/Parent Training services.
2. participates on multidisciplinary team evaluations.
3. participates on ARD/IEP committee as appropriate.
4. provide In-Home/Parent Training; and
5. Annually assess student present level of academic achievement and functional performance for updating the student's IEP (when appropriate or as needed).

e. Licensed Specialist in School Psychology (LSSP):

1. administers psychological screenings and evaluations;
2. participates on multidisciplinary team evaluations for autistic referrals;
3. develops behavior management plans and consults with staff as needed;
4. participates on ARD/IEP committee as appropriate; and
5. may serve on RtI Committee or 504 Committee on assigned campus, as appropriate.

f. Occupational Therapist/Physical Therapist:

1. administers screening and evaluation for possible OT/PT services, and
2. assures annual medical release is obtained for continuation of services.

g. Psychologist:

1. administers psychological screenings and evaluations;
2. participates on multidisciplinary team evaluations for autistic referrals;
3. develops behavior intervention plans and consults with staff as needed;
4. participates on ARD/IEP committee as needed; and
5. may serve on RtI Committee or 504 Committee on assigned campus, as appropriate.

h. Special Education Teachers:

Annually assess student present level of academic achievement and functional performance to update the student's IEP. This will include the review of the State or district wide assessments. Consideration of any benchmark tests will be used as well. This could also be an informal criterion/curriculum based evaluation such as the CLASS assessment, Brigance, or formal such as TAKS, STAAR, TELPAS etc. Information for the three year re-evaluation will be provided to the diagnostician and / or ARD/IEP committee for inclusion in the written eligibility report.

i. Speech/Language Pathologist:

1. administers evaluations for all speech impaired referrals;
2. screens or evaluates referrals for oral expression and listening comprehension upon request of educational diagnostician;
3. screens referrals as appropriate upon request;
4. participates on the multidisciplinary team evaluations; and
5. may serve on the RtI Committee or 504 Committee on assigned campus.

j. Visual Impairments (VI):

Evaluations and services for students with visual impairments will be conducted by appropriately qualified school personnel, or other appropriate agency personnel such as the Regional Education Service Center consultants.