

## **POLICY 6164.4**

### **YOLO COUNTY SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

#### **EVALUATION/ASSESSMENT**

#### **POLICY:**

It is the responsibility of each member Local Education Agency (LEA) of the Yolo County SELPA that an evaluation/assessment and reassessment of a student with a disability shall be conducted at least once every three years or more frequently, if appropriate.

Reference: EC 56205(a), 56329, 56344, 56040, 56043,  
34 CFR §300.300-300.306, 300.322, 300.503  
34 CFR §300.9 to define "informed parent consent"  
CFR 6159.3 Appointment of Surrogate Parent for Special  
Education Students

Superintendents' Council

Adopted: April 16, 2008  
Second Reading: April 16, 2008  
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## **PROCEDURE 6164.4**

### **YOLO COUNTY SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

#### **EVALUATION/ASSESSMENT**

#### **PROCEDURES:**

##### Referrals for Special Education Services

A student shall be referred for special educational instruction and services only after the resources of the regular education program have been considered and used where appropriate.

All referrals from school staff for special education and related services shall include a brief reason for the referral and description of the regular program resources that were considered and/or modified for use with the student and their effect.

##### Initial Evaluation for Special Education Services

Before the initial provision of special education and related services to a student with a disability, the Local Education Agency (LEA) shall conduct a full and individual initial evaluation of the student. Within 15 days of the referral of any student for special education and related services, the LEA shall develop a proposed evaluation plan, unless the parent/guardian agrees in writing to an extension. This 15-day period does not include days between the student's regular school session or term, or days of school vacation in excess of five school days from the date of receipt of the referral. If the referral is made within 10 days or less prior to the end of the student's regular school year, the proposed evaluation plan shall be developed within 10 days after the beginning of the next regular school year, or the student's regular school term. In the case of the student's school vacation in excess of five school days, the 15-day deadline shall recommence on the date the student's regular school days reconvene. The proposed evaluation plan shall meet all of the following requirements:

1. Be in a language easily understood by the general public;

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### **EVALUATION/ASSESSMENT (Continued)**

2. Be provided in the native language of the parent/guardian or other mode of communication used by the parent/guardian unless it is clearly not feasible;
3. Explain the types of evaluation to be conducted;
4. State that no Individualized Education Program (IEP) will result from the evaluation without parent/guardian consent;
5. Prior Written Notice Requirements shall be included with the IEP;
6. Prior to conducting an initial evaluation, the LEA shall provide the parent/guardian with a prior written notice.

#### **Parent/Guardian Consent For Evaluations**

Each LEA must first obtain informed parent/guardian consent before conducting (1) an initial evaluation to determine if the student is a student with a disability or (2) a reevaluation to determine if the student continues to be a student with a disability. Upon receiving the proposed evaluation plan, the parent/guardian shall have at least 15 days to decide whether or not to consent to the initial evaluation. The LEA shall not interpret parent/guardian consent for initial evaluation as consent for initial placement or initial provision of special education services.

Informed parental consent means that the parent/guardian:

1. Has been fully informed of all information relevant to the activity for which consent is sought, in his/her native language or other mode of communication;
2. Understands and agrees, in writing, to the carrying out of the activity for which his/her consent is sought and the consent describes that activity and lists the records (if any) that will be released and to whom;
3. Understands that the granting of consent is voluntary on his/her part and may be revoked at any time;

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### **EVALUATION/ASSESSMENT (Continued)**

4. Understands that if he/she revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).

It is the responsibility of each member LEA of the Yolo County SELPA that reasonable efforts must be made to obtain the informed consent of the parent/guardian for an initial evaluation or reevaluation of a student. The LEA shall maintain a record of its attempts to obtain consent, including:

1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to the parent/guardian and any responses received;
3. Detailed records of visits made to the parent/guardian's home or place of employment and the results of those visits.

If a parent/guardian refuses to consent to the initial evaluation or fails to respond to a request to provide consent, the LEA may, but is not required to, pursue an evaluation by utilizing the procedural safeguards, including the mediation and due process procedures.

For a student who is a ward of the State and not residing with his/her parent/guardian, the LEA may conduct an initial evaluation without obtaining informed consent if any of the following situations exist:

1. Despite reasonable efforts to do so, the LEA cannot discover the whereabouts of the parent/guardian of the student;
2. The rights of the parent/guardian of the student have been terminated in accordance with California law;
3. The rights of the parent/guardian to make educational decisions have been subrogated by a judge in accordance with California law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the student.

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### **EVALUATION/ASSESSMENT (Continued)**

The LEA need not obtain parent/guardian consent before reviewing existing data as part of an evaluation or administering a test or other evaluation that is administered to all students, unless consent is required from the parents/guardians of all students.

#### **Conduct of the Evaluation**

The LEA shall complete the determination as to whether the student is a student with a disability, conduct the initial evaluation to determine his/her educational needs, and develop an IEP within 60 days of receiving informed parent/guardian consent for the evaluation.

The evaluation shall be conducted by qualified personnel who are competent to perform the assessment as determined by the LEA, county office of education, or SELPA.

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.

In conducting the evaluation, the LEA shall use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student. The LEA shall also use any information provided by the parent/guardian that may assist the LEA in making the determination as to whether the student is a student with a disability and, if so, the necessary components of his/her IEP when the IEP is developed, including information related to enabling the student to be involved in and to progress in the general education curriculum.

The LEA's evaluation shall not use any single measure or assessment as the sole criterion for determining whether a student is a student with a disability and for determining the appropriate educational program for the student. The assessment shall use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors in addition to physical or developmental factors.

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### **EVALUATION/ASSESSMENT (Continued)**

The LEA shall also ensure that assessments and other evaluation materials provide relevant information that directly assists persons in determining the student's educational needs which are:

1. Selected and administered so as not to be discriminatory on a racial, cultural, or sexual basis;
2. Provided and administered in the student's native language or other mode of communication and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer;
3. Used for the purposes for which the assessments or measures are valid and reliable;
4. Administered by trained and knowledgeable personnel;
5. Administered in accordance with any instructions provided by the producer of the assessments;
6. Tailored to assess specific areas of educational need and not merely designed to provide a single general intelligence quotient;
7. If administered to a student with impaired sensory, manual, or speaking skills, selected and administered to best ensure that the results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure.

Students shall be 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. The LEA shall ensure that the evaluation is sufficiently comprehensive to identify all of the student's special education and related service needs, whether or not commonly linked to the disability category in which the student has been classified.

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### **EVALUATION/ASSESSMENT (Continued)**

As part of the initial evaluation and any reevaluation, the IEP team and other qualified professionals shall, if appropriate, review existing evaluation data on the student, including evaluations and information provided by the parents/guardians; current classroom-based local or state assessments and classroom-based observations; and observations by teachers and related services providers. On the basis of that review and input from the student's parent/guardian, the team shall identify what additional data, if any, are needed to determine:

1. Whether the student is a student with a disability, or, in the case of a reevaluation, whether the student continues to have a disability, and the educational needs of the student;
2. The present levels of academic achievement and related developmental needs of the student;
3. Whether the student needs, or continues to need, special education and related services;
4. Whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in his/her IEP and to participate, as appropriate, in the general education curriculum.

If a student has transferred from another LEA in the same school year or leaves this LEA, the LEA shall coordinate with the student's prior or subsequent LEA as necessary and as expeditiously as possible to ensure prompt completion of full evaluations.

#### **Eligibility Determination**

Upon completion of the administration of assessments and other evaluation measures, a group of qualified professionals and the parent/guardian shall determine whether the child is a student with a disability and the student's educational needs. In interpreting the data, the group shall draw information from a variety of sources, including aptitude and achievement tests, parent/guardian input, and teacher recommendations, as well as information about the student's physical condition, social or cultural background, and adaptive behavior. The group shall ensure that the information obtained from these sources is documented and carefully considered.

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### **EVALUATION/ASSESSMENT (Continued)**

The personnel who evaluate the student shall prepare a written report of the results of each evaluation. The report shall include, but not be limited to, the following:

1. Whether the student may need special education and related services;
2. The basis for making the determination;
3. The relevant behavior noted during the observation of the student in an appropriate setting;
4. The relationship of that behavior to the student's academic and social functioning;
5. The educationally relevant health, developmental, and medical findings, if any;
6. For students with learning disabilities, whether there is such a discrepancy between achievement and ability that it cannot be corrected without special education and related services;
7. A determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate;
8. The need for specialized services, materials, and equipment for students with low incidence disabilities.

When making a determination of eligibility for special education and related services, the LEA shall not determine that a student is disabled if the primary factor for such determination is a lack of appropriate instruction in reading, including the essential components of reading instruction pursuant to 20 USC 6368 of the No Child Left Behind Act, lack of instruction in mathematics, limited English proficiency, or that the student does not otherwise meet the eligibility criteria.

If a determination is made that a student has a disability and needs special education and related services, an IEP shall be developed within a total time not to exceed 60 days, not counting days between the student's regular school



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sessions, terms, or days of school vacation in excess of five school days, from the date of the receipt of the parent's/guardian's consent for evaluation, unless the parent/guardian agrees, in writing, to an extension.

A copy of the assessment report and the documentation of determination of eligibility shall be given to the parent or guardian.

Superintendents' Council

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