

Hosted By:



Referrals and Evaluations for Special Education and Related Services - 2020

Presented By: Barry Lee
Director of Special Education
Casey County Schools

KY-SPIN

(Special Parent Involvement Network)

Parent Training & Information (PTI) Center

Funded by the U.S. Dept. of Education under IDEA since 1988 when Kentucky first received a PTI. KY-SPIN Parent Center provides training, information and support for children and youth with all types of disabilities (birth through 26 years old), their parents, families, and professionals.



We do NOT:
Act as Attorneys

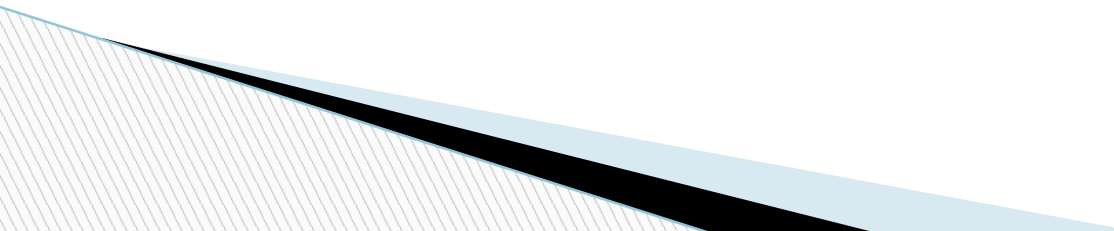
We DO:



- ♥ Empower Families to Effectively Advocate for their Children
- ♥ Provide peer support to help families access needed information and resources
- ♥ Lend a listening ear

As the parent of a special needs child, it's important to be an advocate.

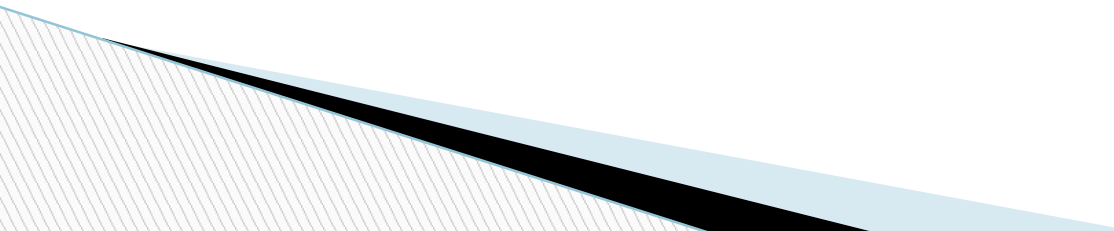
One way to begin is by understanding the eligibility process for special education and related services provided in the school setting.



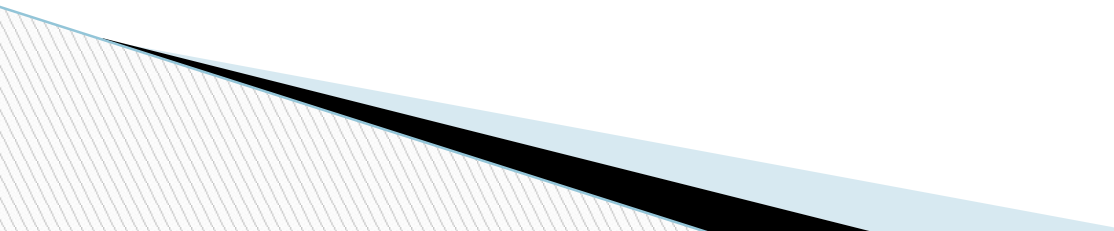
Referral for Special Education

The Referral System

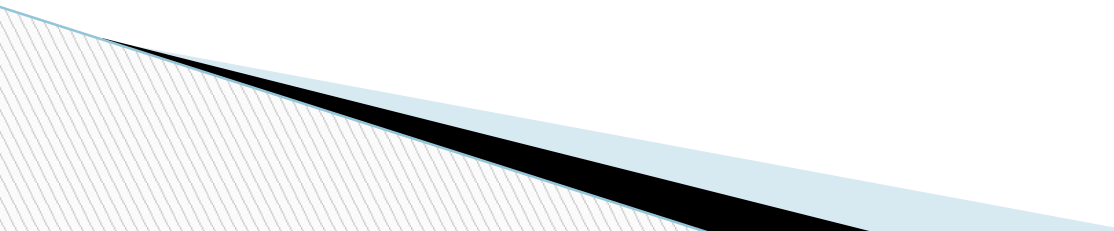
707 KAR 1:300(3) The LEA (Local Education Agency) shall ensure that: (a) Prior to, or as a part of the referral process, the child is provided appropriate, relevant research-based instruction and intervention services in regular education settings, with the instruction provided by qualified personnel; and (b) Data-based documentation of repeated assessments of achievement or measures of behavior is collected and evaluated at reasonable intervals, reflecting systematic assessment of student progress during instruction, the results of which were provided to the child's parents.



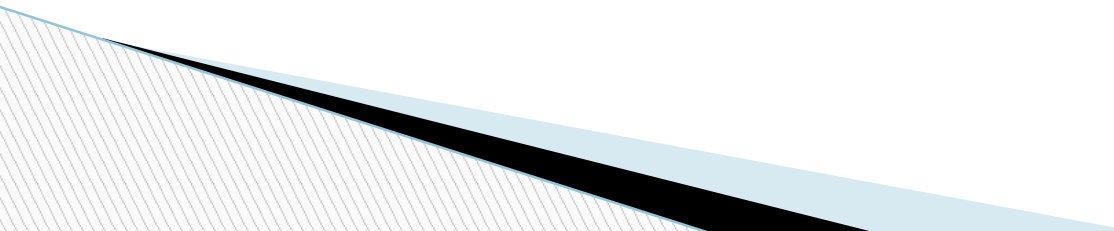
Referral for Special Education

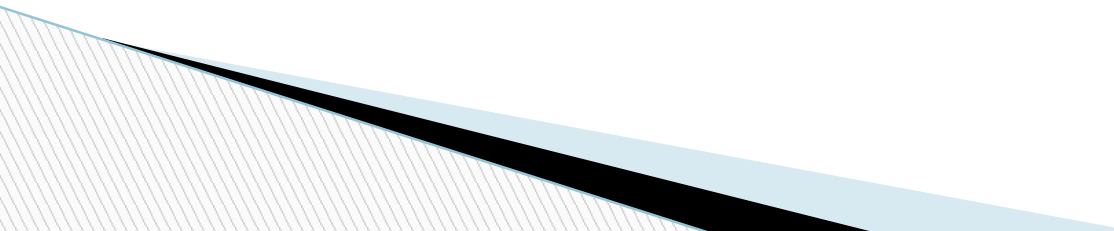
- ❑ When a referral is submitted, by any source, the ARC Chairperson convenes an ARC within 15 school days to determine if the referral is complete.
 - ❑ The LEA ensures the student was provided appropriate instruction and interventions prior to the referral. 707 KAR 1:300 Section 3 (3)
 - ❑ Rule out hearing and vision deficits (and speech and motor if either are areas of concern). Motor screening is required for suspected SLD.
- 

ARC Review of Referral Data

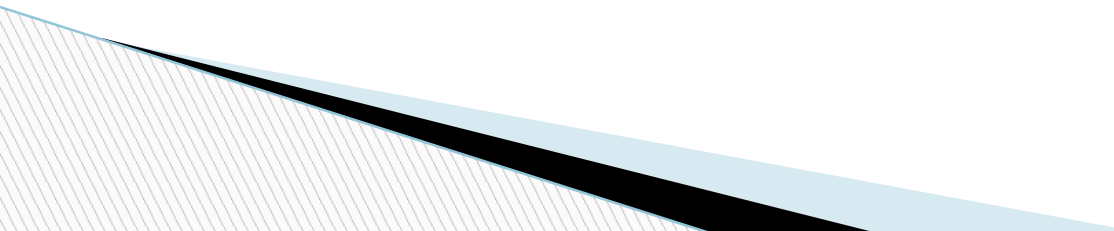
- ❑ Screenings are conducted prior to assessments and do not require parental consent. 707 KAR 1:300 Section 4(3)
 - ❑ Screening information is used to determine appropriate instructional interventions not eligibility determinations.
 - ❑ On the basis of the review and input from the parents, the ARC identifies what additional data, if any, are needed.
- 

The following questions should be addressed by the ARC during the referral meeting:

- Is there documentation that the school/general education tried to address the concerns using research-based instruction and intervention services?
 - Did the student receive researched-based interventions (high quality instruction and strategies aligned with the needs of the student)?
 - Is there on-going progress monitoring data?
 - Was the child making sufficient progress?
- 

- ❑ Was this information shared with the child's parents?
 - ❑ Have the appropriate screenings (vision, hearing, motor, communication) been completed?
 - ❑ Is lack of instruction in reading and/or math a determinant factor?
 - ❑ Is limited English proficiency a determinant factor?
- 

If the Referral and Student Performance Information does not Support a Suspected Disability


- ❑ Discuss instructional and curriculum modifications that might be implemented in the regular classroom (interventions, counseling, tutoring, extended school services).
 - ❑ Provide the parent with a copy of the Conference Summary containing the ARC's decision not to evaluate.
 - ❑ Consider a 504 Plan.
- 

If the Referral and Student Performance Information Supports a Suspected Disability

- ❑ The ARC determines a suspected disability.
- ❑ The ARC plans an evaluation for the suspected disability.

The child shall be assessed in all areas related to the suspected disability. 707 KAR 1:300 Section 4 (10)

The evaluation shall be sufficiently comprehensive to identify all the child's special education and related services needs. 707 KAR 1:300 Section 4 (11)



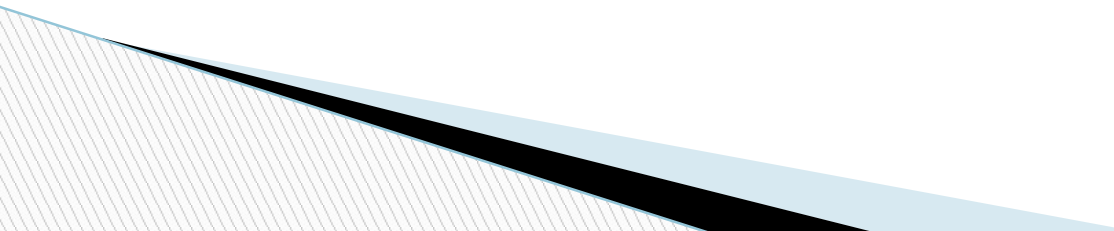
IDEA Disability Categories

(* typically diagnosed by a doctor)

- ❑ ***Autism**
- ❑ ***Deaf/Blind**
- ❑ **Developmental Delay** (Delay through the age of 9 in cognition, motor development, self-help/adaptive behavior, communication, and/or social-emotional development)
- ❑ **Emotional Behavioral Disability** (Does not have to show an adverse effect in academics.)
- ❑ ***Hearing Impaired**
- ❑ **Functional Mental Disability** (Cognition **AND** adaptive skills 55 or below – standard scores)

IDEA Disability Categories

(* typically diagnosed by a doctor)

- ❑ **Mild Mental Disability**(Cognition **AND** adaptive skills between 55-70 – standard scores)
 - ❑ **Multiple Disabilities** (Combination of disabilities requiring multiple service providers)
 - ❑ ***Orthopedic Impairment** (Does not have to show an adverse effect on academics.)
 - ❑ ***Other Health Impaired** (Based on a medical condition. “Medical conditions are more likely to change than an intellectual disability or learning disability.)
- 

IDEA Disability Categories

(* typically diagnosed by a doctor)

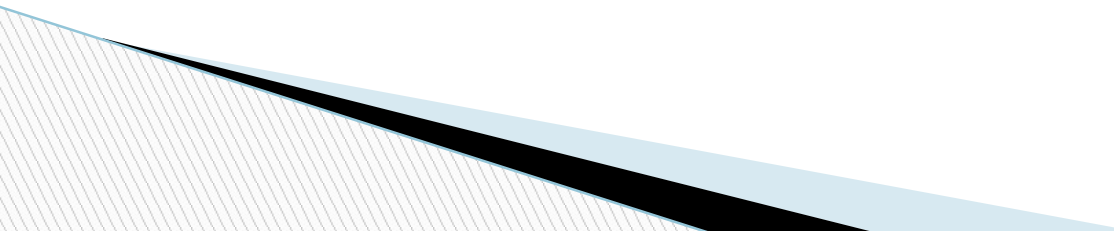
- ❑ **Specific Learning Disability** (Kentucky Aptitude-Achievement Discrepancy Tables and/or a pattern of strengths and weaknesses)
- ❑ **Speech/Language**
- ❑ ***Traumatic Brain Injury**
- ❑ ***Visual Impairment**

Why have an evaluation?

The evaluation process establishes a foundation for developing an appropriate educational program.



Reasons for an evaluation is to answer questions posed by the ARC

- ❑ Does student have a disability?
 - ❑ Does the disability have an adverse effect on the student's educational performance?
 - ❑ Does the student need specially designed instruction?
 - ❑ What is the Present Level of Performance (may include academic and functional)?
 - ❑ What special education and related services are needed for the student to progress?
- 

Adverse Effect

- The progress of the child is impeded by the disability to the extent that the educational performance is significantly and consistently below the level of similar age peers.

707 KAR 1:280 Section 1 (2)

- NOTE: Educational performance includes more than academic skills.

Responsibilities of Evaluation Personnel

- ❑ Select and administer appropriate instruments most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so.
- ❑ Score and interpret tests and procedures.

707 KAR 1:300 Section 4 (2)



The Evaluation

Assessment tools and strategies shall be used that provide relevant information that **directly** assists and is used in the determination of the educational needs of the child.

707 KAR 1:300 Section 4 (14)



Determining Eligibility

- ❑ A single procedure shall not be used as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for a child.

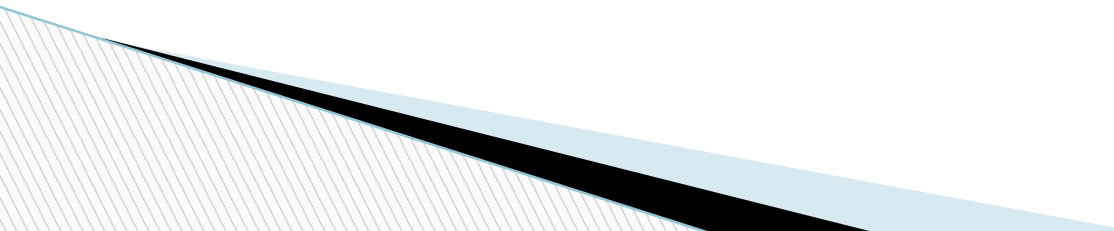
707 KAR 1:300 Section 4 (9)



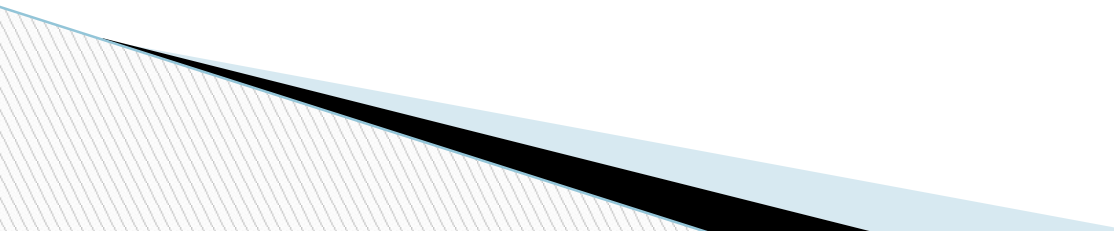
Evaluation Observations

- ❑ The ARC should clarify what will be measured and the location or activity. (Example: Observe/measure the affect that the child's reading difficulty has on his/her performance in the reading classroom.)
- ❑ At least one team member (ARC) other than the child's regular education teacher shall observe the child in the learning environment.
- ❑ A **minimum** of 2 observations are required.

Evaluation Observations

- ❑ Observations play a key role in answering the question of adverse effect
 - ❑ Observations should be across time and settings and completed by multiple observers
 - ❑ Observations should be completed in the area of concern
 - ❑ Record behaviors that are observable and measurable (i.e., hits, pushes, raises hand, answers questions verbally, puts head down, throws a book, etc.)
 - ❑ ADHD and EBD – unlikely that 2 observations will provide necessary information
- 

Evaluation Observations should include :

- ❑ Documentation of specific behaviors related to concern
 - ❑ The setting in which observation occurred
 - ❑ Times and lengths of observations, dates, and observers
 - ❑ Criteria against which target behavior is judged (peer behavior, expected behavior)
 - ❑ Data collected over time
- 

The Written Report

- ❑ Summarizes the results of each procedure and instrument
- ❑ Is provided to the parent

707 KAR 1:310 Section 1 (1)



The ARC uses the Written Report to:

- ❑ Determine eligibility
- ❑ Plan an appropriate educational program

Upon analysis of intervention and assessment data, the ARC shall determine whether the child is a child with a disability defined in 707 KAR 1:280 to the extent that specially designed instruction is required in order for the child to benefit from education.

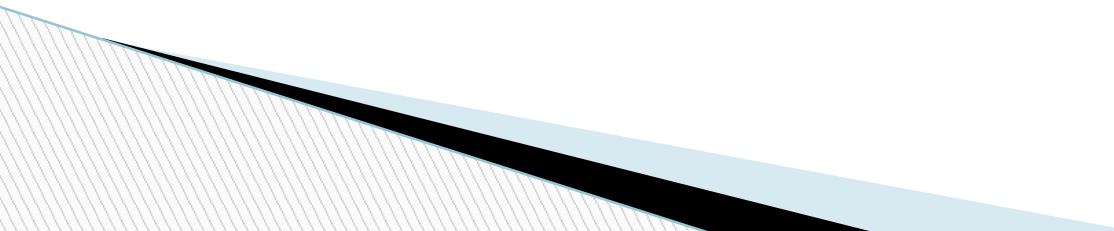
Reevaluation

- ❑ An LEA shall ensure a reevaluation, unless the parent and LEA agree that a reevaluation is unnecessary. A reevaluation may consist of the review of records and is conducted at least every three (3) years to determine:
 - ❑ (a) the present levels of performance and educational needs of the child;
 - ❑ (b) whether the child continues to need specially designed instruction and related services; and
 - ❑ (c) whether any additions or modifications to the special education and related services are needed.

707 KAR 1:300 Section 4 (18)



The ARC conducts a reevaluation (formal or review) prior to:

- ❑ Continuing eligibility for special education and related services;
 - ❑ Releasing a student from special education and related services; and
 - ❑ Exiting a student with a certificate of completion (not a regular high school diploma) prior to reaching his/her 21st birthday.
- 

The LEA shall not be required to conduct a formal reevaluation if after the review of data the ARC determines

- ❑ A reeval is not necessary to determine whether the child continues to be eligible for services.
- ❑ A reeval is not warranted to determine the education or related services needed.
- ❑ The parent or teacher do not request a reeval.

The ARC is not required, but may consider conducting a reeval (formal or review) when a student:

- ❑ Graduates with a regular high school diploma; and
- ❑ Turns twenty one before completing a program (aging out)

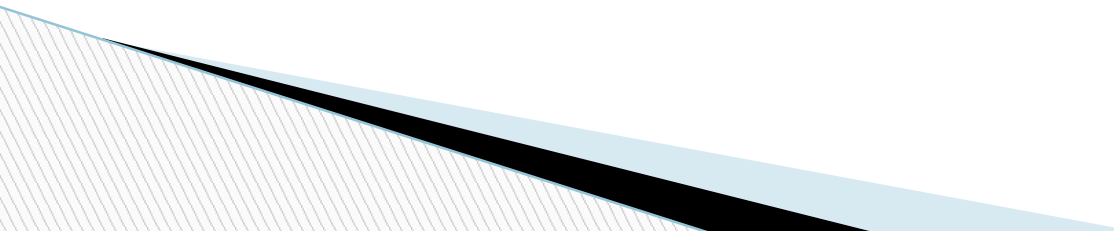
707 KAR 1:300 Section 4 (20)



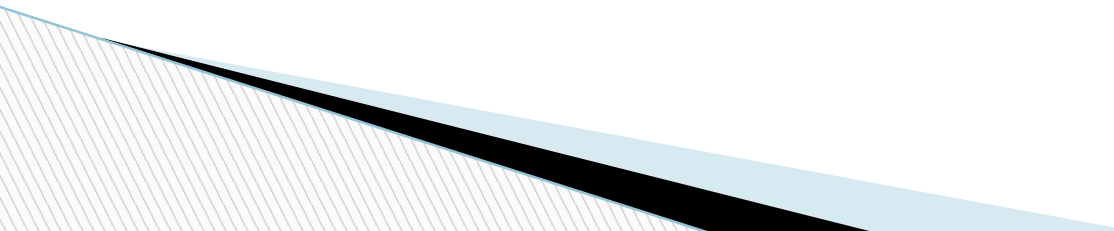
Prior to meeting to discuss reeval

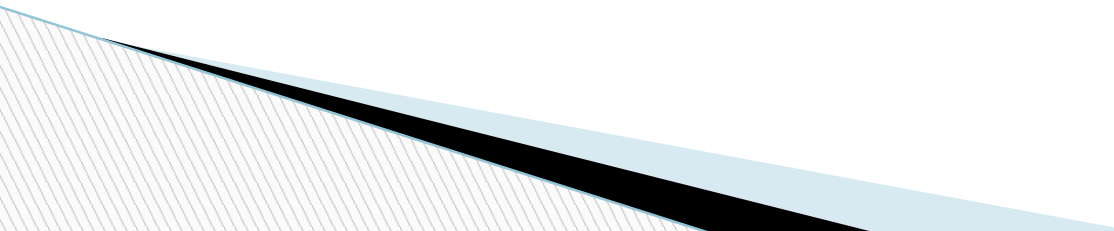
- ❑ Gather and review existing data collected about the child to make recommendations to the ARC for the reevaluation process (complete review of records worksheet).

Review of Records

- ❑ Evaluations and information provided by parent.
 - ❑ Minimum of two classroom-based observations by teachers and related service providers (formal or informal).
 - ❑ One or more current classroom-based assessment data, local assessment data, and/or state assessment data.
 - ❑ Current progress monitoring of IEP goals to determine Adverse Effect (performance significantly and consistently below peers.)
- 

For Reevaluation purposes classroom observations may include:

- ❑ A combination of at least two forms of current informal teacher observations such as progress monitoring data, anecdotal notes, or documented teacher input about student performance.
 - ❑ At least two formal teacher observations
 - ❑ Or a combination of both formal and informal
- 

- ❑ If ARC determines formal observations are needed in order to re-determine eligibility prior written parent consent must be obtained.
 - ❑ For re-determining eligibility for SLD, the ARC is required to conduct at least two formal observations.
- 

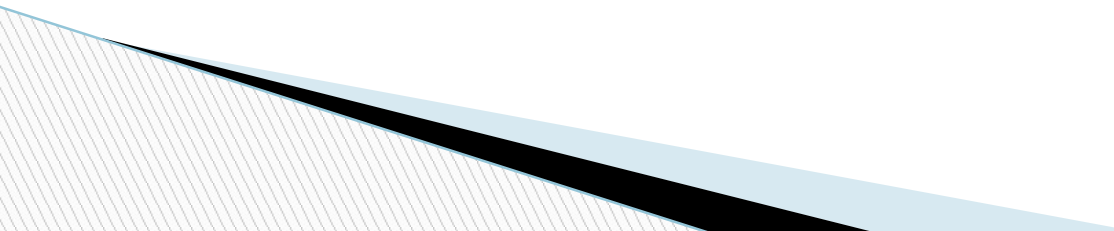
On the basis of the review, the ARC shall identify what additional data, if any, are needed to determine:

- ❑ (a) whether the child continues to have a disability and education needs
- ❑ (b) the present level of academic achievement and related developmental needs of the child
- ❑ (c) whether the child needs special education and related services
- ❑ (d) whether any additions or modifications to the special education and related services are needed.

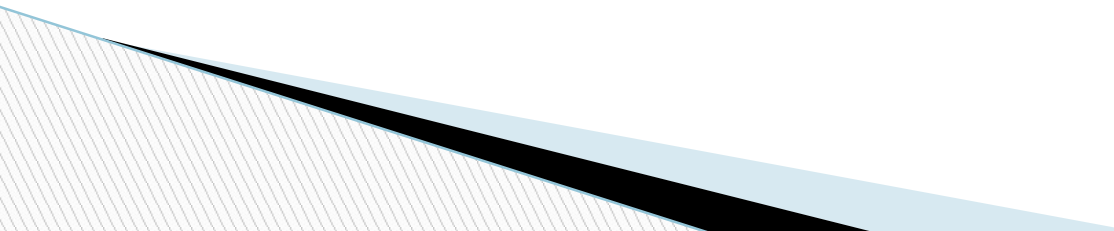
If, after the review of existing data, the ARC determines there is sufficient data:

- ❑ The ARC summarizes the data review and documents the decision and reasons on the Conference Summary.
- ❑ The ARC notifies the parent of their right to ask for a formal evaluation.
- ❑ The Review of Records report becomes the Written Evaluation Report and a signed copy is provided to the parent.
- ❑ The ARC completes the Eligibility Report for the reevaluation process.

If the LEA is able to answer the required questions, the LEA is not required to conduct a full battery assessment of a child to determine if the child continues to be a child with a disability unless requested to do so by the parents.



If additional data is needed:

- ❑ Summarize the data review
 - ❑ Identify any area needing further assessment
 - ❑ Complete the Reevaluation Planning
 - ❑ Request parent consent for evaluation in the areas determined insufficient
 - ❑ ALL areas do not have to be reevaluated unless current information is insufficient.
- 

If the Evaluation data reveals an area of disability other than what was suspected or if the child's categorical placement is changing, the child cannot be found eligible unless there is intervention data available in the new area.

(KDE Updates August 2012)



Re-administration of Cognitive Assessments for eligibilities based on IQ

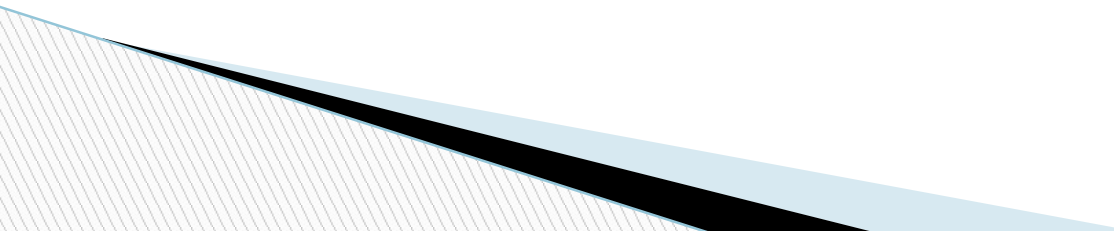
- The ARC, led by evaluation staff, applies the following criteria to determine if re-administration of an intelligence test is necessary:
 1. The child has a minimum of two IQ scores with one being at or above age 9; and
 2. One of the following two conditions exist:
 - a. The two scores are consistent
 - b. The concerns articulated by the ARC do not require further assessment in this area.

In making a determination under the category of mental disability, the ARC may apply the Standard Error of Measurement (SEM) if appropriate.

707 KAR 1:310 Section 1 (5)

- ❑ However, if the ARC utilizes the SEM on either the intellectual assessment or the adaptive behavior assessment during an initial evaluation, at the 3 year reevaluation point, a formal reevaluation must occur.

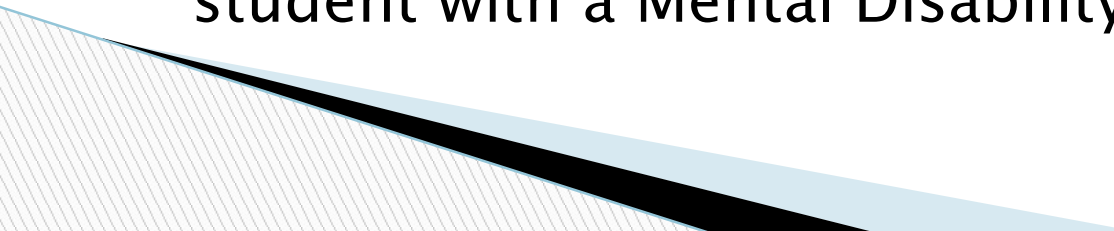
Rating Scales

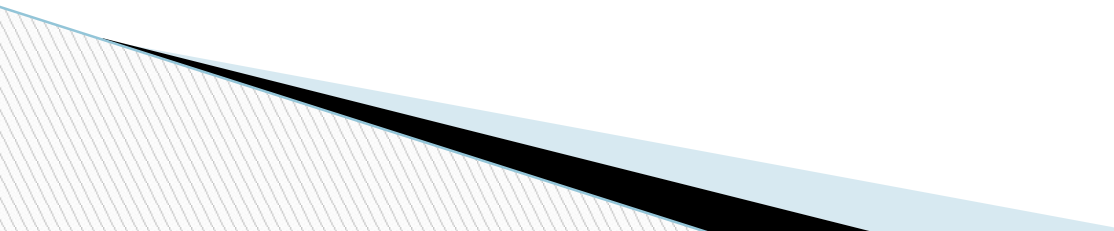
- ❑ Please complete the front of the scale (name, date, etc.)
 - ❑ Guesses will not provide a score (ask, ask, ask).
 - ❑ The protocol is expensive—please do not lose it.
 - ❑ If the item is not age appropriate or the child does not have the skill—the correct response is zero (0).
- 

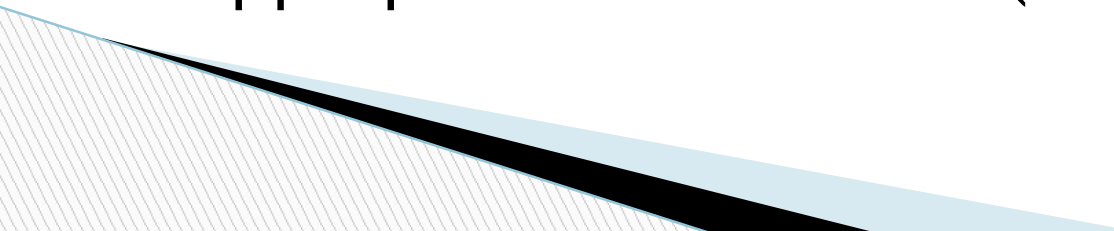
Timeline

- The LEA has 60 school days to complete the evaluation and have a meeting to determine eligibility.

Inappropriate Practices noted during state folder reviews

- ❑ No disability identified for evaluation.
 - ❑ Moving a child from one eligibility to another without interventions and progress monitoring of the new suspected disability. (For example, DD to SLD)
 - ❑ One piece of evidence used to determine eligibility for Other Health Impairment (i.e. doctor's statement).
 - ❑ Upon initial determination of eligibility, only a measure of cognitive functioning and/or an adaptive behavior score was used to determine eligibility for a student with a Mental Disability.
- 

- ❑ Upon reevaluation of a student with a Mental Disability, the new adaptive behavior score was higher than the original, but was completely disregarded by the ARC in order for the student to continue to receive special education services. Little or no discussion documented by the ARC.
 - ❑ Routine use of the Standard Error of Measure without any discussion as to why the ARC believes it applies to the student.
 - ❑ Observations used were conducted by the same person close in time or on the same day.
- 

- ❑ Student suspected of a specific learning disability in math was observed during language arts only.
 - ❑ Identifying a child under IDEA without determining if Limited English Proficiency or lack of instruction was actually the cause of the lack of progress. “KDE believes that 10 cumulative days of absences during the school year is the threshold at which ARCs must consider whether the student’s absences have resulted in a lack of appropriate instruction.” (KDE)
- 

If you still have
questions...



(800) 525-7746

(502) 937-6894

spininc@kyspin.com

www.kyspin.com

Please complete our evaluation

Information modified from Family Network on

Disabilities of FL with their permission

Sources: OSEP, DoDEA, OCR, PACER,

CIPR,

KY P&A, FND of FL, IDEA, KAR, KDE