

Book

Policy Manual

Section

100 Programs

Title

Screening and Evaluations for Students With Disabilities

Code

113.3

Status

Active

Legal

1. 22 PA Code 14.122
2. 22 PA Code 14.123
3. 22 PA Code 14.124
4. 22 PA Code 14.125
5. 22 PA Code 14.133
6. 20 U.S.C. 1414
7. 34 CFR 300.226
8. 34 CFR 300.301-300.311
9. 34 CFR 300.502
10. 34 CFR 300.530
11. Pol. 113
12. Pol. 113.2
13. Pol. 209
14. Pol. 113.1
15. 34 CFR 300.300-300.311
16. 34 CFR 300.503
17. 34 CFR 300.303-300.306
18. 34 CFR 300.307-300.311

19. 34 CFR 300.303

20. PA Ass'n for Retarded Children (PARC) v. Com. of Pa., 343 F. Supp. 279 (E.D. Pa. 1975)

21. Pol. 138

20 U.S.C. 1400 et seq

34 CFR Part 300

Pennsylvania Training and Technical Assistance Network (PaTTAN)

Adopted

June 13, 2016

Purpose

The Board adopts this policy to define the minimum requirements for screening; educational evaluations conducted to determine eligibility for special education services, instructional levels and programming requirements for students with disabilities, including functional behavioral assessments; and requirements for independent educational evaluations. [\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)[\[10\]](#)[\[11\]](#)[\[12\]](#)

Authority

The Board shall adopt a system of screening that may include early intervening services and must be designed to accomplish identification and initial screening for students prior to district referral for a special education evaluation. The system shall provide support to staff to improve working effectively with students in the general education curriculum, identify students who may require special education services and programs, and must include hearing and vision screening and screening at reasonable intervals to determine whether students are performing at grade appropriate levels in core academic subjects. [\[1\]](#)[\[7\]](#)[\[13\]](#)

Early intervening services shall comply with the requirements of state and federal law and regulations in order to address academic concerns or behaviors that may be impeding success, but which can be resolved through research-based intervention programs in the regular education setting. [\[7\]](#)

The Board authorizes the use of functional behavioral assessments (FBAs) as an evaluation to gather information to understand the purpose of the student's behaviors and to assist with developing a ~~P~~ositive Behavior Support Plan (PBSP). FBAs must be conducted when: [\[5\]](#)[\[10\]](#)[\[11\]](#)[\[14\]](#)[\[12\]](#)

1. A student's behavior interferes with ~~his/her~~ their learning or the learning of others and information is necessary to provide appropriate educational programming.

2. A student's behavior violates the Code of Student Conduct and is determined to be a manifestation of a student's disability.
3. A student is placed in an interim alternative educational placement for a qualifying reason permitting such placement for up to forty-five (45) school days for certain offenses.
4. The school contacts law enforcement regarding a student who already has a ~~positive Behavior Support Plan PBSP~~.

FBA's may also constitute part of the initial evaluation to determine eligibility for special education.

The district shall comply with requirements of state and federal laws and regulations when conducting evaluations. [\[2\]\[6\]\[15\]\[9\]\[16\]](#)

An appropriate evaluation of a student, whether conducted by district staff or individuals not employed by the district, shall consist of the administration of all testing and the use of all assessment procedures required to determine the existence of all legally defined disabilities reasonably suspected by district staff, parents/guardians, or the evaluator. An appropriate evaluation shall assist in determining the content of the Individualized Education Program (IEP) to enable a student with a disability to be involved in and progress in the general curriculum.

A student shall be assessed in all areas related to the suspected disability including, as appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities.

A re-evaluation of a student who currently has an IEP shall be conducted as required by state and federal law and regulations. [\[3\]\[6\]\[17\]\[16\]](#)

Guidelines

Parent/Guardian Requests

Parents/Guardians may request an evaluation at any time. The parent/guardian request must be in writing. If a request is made orally to any professional employee or administrator, that individual shall provide a copy of the permission to evaluate form to the parents/guardians within ten (10) calendar days of the oral request. [\[1\]\[2\]](#)

The evaluation shall be completed and a copy of the evaluation report presented to parents/guardians no later than sixty (60) calendar days after receipt of written parent/guardian consent for an evaluation, exclusive of the period following the last day of the spring school term to the first day of the subsequent fall term.

Appropriate Evaluations

An appropriate evaluation shall use a variety of assessment tools and strategies to gather relevant functional, developmental and academic information about a student. [\[2\]\[6\]\[8\]\[9\]](#)

An appropriate evaluation shall include:

1. Testing and assessment techniques required in light of information currently available from previous evaluations.
2. Information from parents/guardians and school staff familiar with the performance of the student.
3. The student's education records.

The evaluator shall review all such sources of information prior to conducting testing and assessment. The evaluator shall review assessments conducted by others that indicate how the student is responding to early intervening services and scientific research-based instruction and/or include such assessments as part of ~~his/her~~ their evaluation.

To the extent that the results of such instructional assessments are inconsistent with the results of norm or criterion-referenced testing and assessments that the evaluator has administered, the evaluator shall explain the reason for the inconsistency in ~~his/her~~ their report, if possible.

When assessing the presence of a specific learning disability, the evaluation shall be consistent with procedures adopted by the district and comply with state and federal law and regulations. [\[4\]](#)[\[18\]](#)

Testing and assessment procedures shall be selected and administered to yield valid measurement or assessment of the construct or quality they purport to measure or assess. The evaluator shall administer any testing or assessment procedures in a manner consistent with the requirements and recommendations of the publisher of the test or procedure and in compliance with applicable and authoritatively recognized professional principles and ethical tenets. ~~S/He~~ The evaluator shall report any factor that might affect the validity of any results obtained.

All assessments and evaluation materials shall be selected and administered so as not to be discriminatory on a racial or cultural basis. Where feasible, assessments and evaluations shall be administered in a language and form most likely to provide accurate information about the student.

The evaluation shall include an observation of the student in an educational setting, unless the student is not currently in such a setting. The evaluator shall obtain information concerning the performance of the student directly from at least one (1) current teacher of the student, unless ~~s/he~~ the student does not have a current teacher.

The evaluator shall hold an active certification that qualifies the evaluator to conduct that type of evaluation. If certification is not issued for the particular area of professional practice in which the evaluator is lawfully engaged, the evaluator shall hold such license or other credentials as required for the area of professional practice under state law.

The evaluator shall prepare and sign a full report of the evaluation containing:

1. Clear explanation of the testing and assessment results.
2. Complete summary of all test scores, including, for all standardized testing administered, all applicable full scale or battery scores; domain or composite scores; and subtest scores reported in standard, scaled, or T-score format.
3. Complete summary of all information obtained or reviewed from sources other than testing conducted by the evaluator.
4. Identification of all special education and related services needs and relevant information that directly assists persons in determining the educational needs of the student.
5. Specific, individualized recommendations for consideration by the IEP team for educational programming and placement to enable the student to participate as appropriate in the general education curriculum in the least restrictive environment, as defined by federal and state law and regulations.

Re-Evaluations

Re-evaluations shall be conducted within the timeframes required by state and federal laws and regulations unless the parent/guardian and the district agree in writing that a re-evaluation is unnecessary. For students with intellectual disability, the re-evaluation cannot be waived. The group of qualified professionals that reviews the evaluation materials to determine whether the child is a student with a disability shall include a certified school psychologist when evaluating a student for autism, emotional disturbance, intellectual disability, multiple disabilities, other health impairment, specific learning disability and traumatic brain injury.[\[3\]](#)[\[19\]](#)[\[20\]](#)

Copies of the re-evaluation report shall be disseminated to parents/guardians at least ten (10) days prior to the meeting of the IEP team unless this requirement is waived in writing.

Independent Educational Evaluations

A parent/guardian who disagrees with the results or content of an evaluation performed or obtained by the district may request an independent educational evaluation (IEE) at district expense. A parent/guardian is entitled to only one (1) ~~independent educational evaluation IEE~~ IEE at public expense each time the district conducts an evaluation with which the parent/guardian disagrees. The ~~independent educational evaluation IEE~~ IEE must arise from parents'/guardians' disagreement with the district's most recent evaluations or re-evaluations of the student. The district shall be entitled to a copy of all results of ~~independent educational evaluations IEEs~~ IEEs conducted at public expense. If an oral request for an ~~independent educational evaluation IEE~~ IEE is made to a professional employee or administrator, that person shall inform the parent/guardian that the request must be in writing. If the native language of the parent/guardian is other than English, the requirement that the parent/guardian make ~~his/her~~ their request in writing

shall be conveyed by whatever means practicable and, where feasible, in the native language of the parent/guardian.^{[9][21]}

A written request for an ~~independent educational evaluation~~ IEE at district expense shall be immediately forwarded to the Director of Special Education, who may, upon receipt of the written parent/guardian request, ask that the parent/guardian state ~~his/her~~ their reasons for disagreement with the evaluation conducted or proposed by the district. The district cannot require the parent/guardian to do so, and the refusal of the parent/guardian shall not delay the process required by this policy.

The District will maintain a list of qualified independent evaluators (QIE) in each of the various disciplines commonly relied upon to provide education-related evaluations and assessments. If the district agrees to pay for an IEE at district expense, it will provide to the parents/guardians the list of QIEs, upon parent request, as well as the district's criteria applicable for conducting an evaluation that must be used when conducting the IEE, and procedural safeguards. If the parent/guardian chooses a QIE not on the list, the QIE must meet the criteria set in this policy.

The district will only consider a request for an IEE at district expense if the parent/guardian disagrees with a recent evaluation or reevaluation. Therefore, if a parent/guardian requests an IEE prior to the district having conducted an evaluation/reevaluation, the district shall notify the parent/guardian that the condition for receiving an IEE at district expense is to first permit the district to complete its own recent evaluation/reevaluation and shall begin that process both by sending to the parent/guardian a permission to evaluate and by conducting a review of existing evaluation data. The criteria under which the ~~independent educational evaluation~~ IEE at ~~public- district~~ expense is obtained must be the same as the criteria used by the district in conducting an appropriate evaluation, including the location of the evaluation and the qualifications of the examiner, to the extent those criteria are consistent with the parent's/guardian's right to an ~~independent educational evaluation~~ IEE at ~~public- district~~ expense. The ~~qualified examiners~~ QIEs who conduct the ~~independent educational evaluation~~ IEE may not be employed by the public agency responsible for the education of the student.

1. The IEE must be conducted within a 70-mile radius.
2. An IEE of a child for autism, emotional disturbance, intellectual disability, multiple disabilities, other health impairments, specific learning disability, or traumatic brain injury must be done by a school psychologist certified in Pennsylvania. An IEE for other disabilities (i.e., speech and language) must be done by a person licensed or certified to conduct and interpret assessments in the area(s) of concern. The district reserves the right to request and obtain the credentials of the QIE.
3. The QIE and the district must have permission from the parents/guardians to communicate and share information. The QIE administering the evaluation must sign and prepare a comprehensive, un-redacted report of the evaluation that includes- at minimum - a statement of all standard and scaled scores obtained, a description of the student's behavior during the evaluation, a description of the student's behavior as observed in school, an analysis of the results, and specific

educational recommendations. The QIE shall not recommend specific methodologies or materials. This report shall be forwarded directly by the QIE to both the district and the parent. The QIE shall be both the tester and the report writer.

4. While certain test protocols may be protected under applicable copyright and/or trademark laws, if the district is not familiar with a test and needs to review the test protocols to determine if the IEE meets agency criteria, it can require that the QIE provide an explanation of the test protocols.
5. The IEE must include an observation of the child in the educational setting unless the student is not currently in such a setting. The QIE will obtain information concerning the performance of the student directly from at least one (1) current teacher of the student. The QIE must include input from relevant IEP Team members.
6. The QIE must attempt familiarity with the district's programming, resources, and/or curricula and review the student's IEP(s), evaluation(s), reevaluation(s), and progress monitoring data.
7. Tests and other IEE materials must not discriminate on a racial or cultural basis; must be administered in the child's native language or other mode of communication, unless it clearly is not feasible to do so. For English learners, tests and materials must be selected and administered to ensure they measure the child's disability and need for special education and not the child's English language skills.
8. A variety of assessment tools and strategies must be used to gather relevant functional and developmental information about the child, including information provided by the parent/guardian, and information related to enabling the child to be involved in and to progress in the general curriculum, that may assist in determining whether the child is a child with a disability and/or the content of the child's IEP.
9. Any standardized tests must have been validated for the specific purpose for which they are used and be administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the tests. If the test is not administered under standard conditions, a description of the extent to which it varied from standard conditions must be included in the evaluation report.
10. Tests and other IEE materials shall include those tailored to assess specific areas of educational need and not merely those designed to provide a single general intelligence quotient.
11. Tests must be selected and administered to best ensure that, when administered to a child with impaired sensory, manual or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever factors the test purports to measure, rather than reflecting the child's impaired sensory,

manual or speaking skills (unless those skills are the factors the test purports to measure).

12. No single procedure shall be used as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program.
13. The child 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.
14. The IEE shall be 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.
15. The QIE shall use technically sound instruments and may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
16. The QIE shall use assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child.

If a parent/guardian requests a QIE that does not meet all of these criteria, the parent/guardian must demonstrate, and the district shall consider, unique circumstances necessitating the chosen QIE. Unique circumstances include, but are not limited to, testing a student who has a low incidence disability such that the few knowledgeable experts on this disability live outside the mileage cap or above the cost cap; funding expenses incurred by parent for travel, meals, and lodging if the student has to visit the QIE which requires an overnight trip.

Within ten (10) school days of receipt of a request for an ~~independent educational evaluation~~ **IEE** in writing from a parent/guardian, the Director of Special Education shall either

1. ~~I~~**n**itiate a due process hearing to show that the district's evaluation is appropriate and notify the parent/guardian in writing that ~~s/he~~ **they** ~~has~~ **have** done so; or
2. ~~I~~**s**ue to the parent/guardian correspondence containing:
 - a. Assurance that the district will pay for an ~~independent educational evaluation~~ **IEE** as long as the evaluation meets all of the requirements of an appropriate evaluation and is in compliance with this policy.
 - b. ~~A s~~**A** statement that the district will not pay for the evaluation until it receives directly from the evaluator a complete, un-redacted copy of a report

of that evaluation and determines that the evaluation is in compliance with this policy.

~~c. A r~~Request that the parents/guardians consider accessing reimbursement for all or part of the evaluation from public or private sources of insurance or reimbursement, together with a clear assurance that the parent/guardian is not required to do so and that the district will pay any cost not covered by such sources.

~~d.~~ Directions that the parent/guardian is responsible for arranging for the evaluation and ensuring that the evaluator contacts the Director of Special Education to arrange for payment of the evaluation.

~~Upon request, the district shall provide to parents/guardians information about where an independent educational evaluation may be obtained.~~

If the ~~evaluation- IEE~~ has already been conducted and paid for by parents, the district shall ~~consider whether it will reimburse parents. The district shall~~ issue correspondence advising the parent/guardian that the district will not consider reimbursement to the parent/guardian for the evaluation until it receives a complete and un-redacted copy of the report of the evaluation and determines that the evaluation is in compliance with this policy. The district shall require documentation substantiating that the parents/guardians paid for or incurred the obligation to pay for the evaluation without reimbursement from a public or private source of insurance or reimbursement. Without requiring an explanation from parents, part of the district's consideration for reimbursement will be to discuss the reasons why the parents either believed a recent district evaluation/reevaluation was inappropriate (not requiring parents to explain but at least reviewing records and examining the IEE) or failed to request an evaluation/reevaluation prior to obtaining the IEE.

The Director of Special Education shall send the correspondence to the parent/guardian by certified mail or by other independently verifiable means of conveyance and enclose a copy of this policy.

If the parent/guardian obtains an IEE at their own expense, and is not requesting reimbursement, the results of the evaluation shall be considered, but not necessarily accepted, by the district in any decision made with respect to the provision of a free appropriate public education (FAPE) to the child, but only if the IEE meets the district's criteria for an evaluation as set forth in this policy.

1. Therefore, if a parent/guardian presents an IEE regarding their child, the district will convene the Multidisciplinary Team and/or IEP Team to consider the information contained in the IEE.
2. Depending upon the information provided, the IEP Team may accept the information, reject the information, or determine that additional evaluation data should be collected. If the Team believes additional information is necessary, a Permission to Reevaluate will be issued.

3. The results of the Team's consideration will be reflected in the child's evaluation report; and may be presented as evidence in any due process hearing regarding the child.

~~The Director of Special Education shall maintain a list of qualified independent evaluators in each of the various disciplines commonly relied upon to provide education-related evaluations and assessments and shall promptly make that list available to any parent/guardian who requests it.~~