

# Section 1 (b)

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*The Fort Bend Independent School District, an Equal Opportunity Educational Provider and Employer, does not discriminate on the basis of race, color, religion, gender, sex, national origin, disability and/or age, military status, genetic information, or any other basis prohibited by law in educational programs or activities that it operates or in employment decisions. Additionally, the District does not discriminate against an employee or applicant who acts to oppose such discrimination or participates in the investigation of a complaint related to a discriminatory employment practice. Employment decisions will be made on the basis of each applicant's job qualifications, experience, and abilities. Policies DAA, DIA*

# I(b) –Evaluations

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## GENERAL INFORMATION

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***FBISD Board Policies: EHBA (Legal); EHBAB(Legal); EHBAE (Legal); FB(Legal); FEA(Legal) 20 U.S.C. § 1401(3); 34 CFR §§ 300.8, 300.39(b)(3) 300.301-300.306 (Evaluations and Reevaluations), 300.307-300.311 (Additional Procedures for Identifying Children with Specific Learning Disabilities), and 300.122(Evaluations); TEC §29.003 (Eligibility Criteria); 19 TAC §§ 89.1040 (Eligibility Criteria), 89.1050 (The Admission, Review, and Dismissal Committee)***

## DISCLAIMER

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Fort Bend Independent School District (“FBISD” or the “District”) is subject to the rules and regulations contained in all Governing Documents. Governing Documents shall include federal and state law, Board policy (including the Student Code of Conduct), and this Special Education Administrative Procedures. In the event of any inconsistencies or conflict between the Governing Documents, the following order of precedence shall apply:

- Federal law
- State law
- Board policy (including the Student Code of Conduct)
- Special Education Administrative Procedures

The District reserves the right to modify provisions of the Special Education Administrative Procedures at any time when it deems necessary. While the Administrative Procedures may be adopted and revised throughout the year, the Special Education Administrative Procedures, including any updates thereto, is published on a yearly basis. Further, the FBISD Special Education Administrative Procedures are not for the purpose of creating a requirement that is not otherwise imposed by the Individuals with Disabilities Education Improvement Act (“IDEA”), together with its implementing federal regulations, state statutes and rules, as they shall from time to time be amended, and shall not be construed to create a higher standard than that established by IDEA.

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## FULL AND INITIAL INDIVIDUAL EVALUATIONS

***FBISD Board Policies: EHBA (Legal); EHBAB(Legal); EHBAE (Legal); FB(Legal); 34 C.F.R. §§ 300.300.301(c)(2), 300.30 (b)(1); 300.304, 300.503; TAC §89.1011(a); Tex. Ed. Code §§ 26.002, 29.0041, TEC § Sec. 29.08, Compensatory, Intensive, and Accelerated Instruction.***

Fort Bend ISD's philosophy regarding a FIEE is to ensure all students receive a comprehensive and integrated evaluation delineating the strengths and weaknesses of a student's profile. The analysis derived in these evaluations should inform instruction and ultimately determine whether the child is a child with a disability and specify the educational needs of the child.

Evaluations will provide information to determine present levels of academic and functional performance to include social and emotional performance, and related educational needs. No single evaluation tool may be used as the sole criterion for determining eligibility. Rather, a variety of assessments (both formal and informal assessments), including information provided by parents, guardians, classroom teachers, and observations of the student's classroom performance, work samples/portfolios, interviews, and review of the records used.

### **Prior Written Notice (Notice of Proposed Evaluation) for a full individual and initial evaluation**

Before conducting an evaluation, the District will provide the student's parent or guardian Prior Written Notice (Notice of Proposed Evaluation) that—

- describes the areas of evaluation that have been proposed, and descriptions of any evaluation procedures that the District proposes to conduct;
- explains why the District wants to conduct the evaluation; the options considered and why rejected; a description of each evaluation procedure, assessment, record, or report the District used as a basis for proposing to evaluate; other options to an evaluation that were considered and why those options were rejected; other factors relevant to the decision to evaluate;
- informs the parent or guardian of her or his right to refuse consent for the evaluation, together with a copy of the TEA's Notice of Procedural Safeguards;
- a signed receipt of receiving the Procedural Safeguards Log along with a signed Parent/Guardian Acknowledgement Form by parent stating the parent has received the Guide to the Admission, Review, and Dismissal Process which includes the clarification regarding the estimated time frame for the special education evaluation to be completed;
- is written in a form that the general public can understand. It must also be provided in the parent's or guardian's native language (or the language that they normally use, like Braille or large print typeface) unless it is clearly not feasible to do so. If the parent's or guardian's native language or other mode of communication is not a written language, the District will take steps to ensure—

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- that the notice is translated orally or via other means to the parent or guardian in her or his native language or other mode of communication;
- that the parent or guardian understands the contents of the District's Notice of Proposed Evaluation, and
- that there is written evidence of the District's efforts to ensure these two steps have been taken. 34 C.F.R. § 300.503; Tex. Ed. Code § 29.0041

The District's Notice of Proposed Evaluation should specify that the District plans to evaluate in each area of suspected disability. Requests by parents or guardians to limit the scope of the evaluation (such as when based on the parent or guardian's preferences for seeking or avoiding consideration of specific eligibility categories) may not be honored when the parent or guardian's limits on the scope of evaluation might prevent the district from completing an evaluation that complies with these Operating Procedures.

## **Consent for a full individual and initial evaluation:**

Informed written consent for an initial evaluation for special education and related services is provided by a student's parent, and that term is defined broadly.

Texas law defines "parent" as "a person standing in parental relation," but does not "include a person as to whom the parent-student relationship has been terminated or a person not entitled to possession of or access to a child under a court order." [Tex. Ed. Code § 26.002]

The IDEA defines the term "parent" as—

- A biological or adoptive parent of a child.
- A foster parent, unless State law, regulations, or contractual obligations with a State or local entity prohibit a foster parent from acting as a parent.
- A guardian who is generally authorized to act as the child's parent, or one who is authorized to make educational decisions for the child (but not the State if the student is a ward of the State).
- An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare.
- A surrogate parent.

When the parents of a student with a disability are divorced, the parental rights under the IDEA apply to both parents, unless a court order specifies the respective educational rights and duties of the parents [71 Fed. Reg. 46,568(2006); 34 CFR § 300.30 (b)(1)].

A foster parent may act as the parent of a student with a disability if the Texas Department of Family and Protective Services is appointed as the student's temporary or permanent managing conservator and has not been limited in its rights and duties to make educational decisions by court order, and if the foster parent agrees to make educational decisions on behalf of the student and complete a special education advocacy training program [Tex. Ed. Code § 29.015(a); 19 TEX. ADMIN. CODE § 89.1047].



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The foster parent must complete the training program before the student's next ARD committee meeting or no later than 90 days after the foster parent begins to act on the student's behalf [Tex. Ed. Code § 29.015(b)].

A student's special education rights, including the right to grant or withhold consent for an evaluation or re-evaluation, transfer from the parent or guardian to the adult student when the student turns 18 [19 TEX. ADMIN. CODE § 89.1049(a)].

If the District is unable to identify or locate a parent or guardian for a student with a disability, or the foster parent of the student is unwilling or unable to serve as a parent, the District will appoint someone to serve as the student's surrogate parent [Tex. Ed. Code § 29.0151(b)]. The individual appointed as surrogate parent may not be employed by the District or any other agency involved in the education or care of the student [Tex. Ed. Code § 29.0151(c)].

If a Special Education Three Year Evaluation is Delayed beyond the required timeline, once the Re-evaluation/REED is completed, an ARD committee must be held to address the need for compensatory services. Refer to Section 4, Compensatory Services, for procedures regarding addressing compensatory services at an ARD meeting.

## Procedures for Planning/Conducting a Full and Individual Evaluation (FIE):

- Review all referral information/records
- Contact the parent/guardian to gather information regarding their main concern(s) involving their child's academic, developmental, and functional performance, including any suspected disability to assist in planning the evaluation
- Contact teacher(s) and inquire about concerns for the child to plan for the evaluation
- Observe the child in the classroom setting
- Use all data to determine what type of formal and informal assessments and other evaluation materials are required to appropriately evaluate the child

## When conducting a student's full individual and initial evaluation, the District will—

- use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student to assist in determining the student's eligibility and developing the content of the student's IEP;
- not use any single measure or assessment as the sole criterion for its eligibility determination;
- use technically sound instruments that may assess the relative contribution of cognitive, behavioral, physical or developmental factors [34 C.F.R. § 300.304(b);
- select and administer assessments, particularly to a student with impaired sensory, manual or speaking skills, that will best ensure those assessments accurately reflect the student's aptitude or achievement level (or whatever other factors the test purports to measure), rather than reflecting the student's impaired sensory, manual, or speaking skills (unless those skills are the targets of the test).

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The student will be evaluated in all areas related to the suspected disabilities to assess the student's eligibility for special education and related services, including, if appropriate health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

Consequently, the assessments and evaluative instruments should be tailored to the student's suspected disabilities and conducted in all areas related to the student's suspected disabilities. However, the District will ensure that the evaluation is sufficiently comprehensive to identify all the student's special education and related services needs, whether the assessments used are commonly linked to the student's suspected disability categories. Additionally, the District will ensure that the assessments and other evaluation materials used to conduct a full individual and initial evaluation—

- are selected and administered in a way that is not racially or culturally discriminatory;
- are 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 provide or administer;
- are used for the purposes for which the assessments or measures are valid and reliable;
- are administered by trained and knowledgeable personnel;
- are administered in accordance with any instructions provided by the producer of the assessments.

## Formatting Procedures for the FIE Template:

All areas of concern addressed in the referral must be noted on page one of the FIE under the subtitle, "OTHER INFORMATION".

Throughout the body of the evaluation in the respective sections of the FIE, the areas of concern must be assessed through formal and/or informal data.

The conclusion of the FIE should clearly state and explain for each area/disability suspected if the student meets or does not meet special education eligibility.



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## RE-EVALUATION

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***34 CFR §300.301-300.306, 300.122; TAC § 89.1040.***

### Overall Principles

Both state and federal law are silent as to how long the District has to complete a re-evaluation other than “at least once every three years,” so the re-evaluation will be completed by the three-year anniversary date, unless the ARD committee has agreed to complete it sooner. The parent or guardian and the District may also agree to conduct a REED in lieu of a re-evaluation [34 CFR § 300.303(b)(2)].

A re-evaluation must occur at least once every three years, unless the parent or guardian and the District agree that a re-evaluation is unnecessary [34 C.F.R. § 300.303(b)(2)].

Every evaluation after the initial evaluation is considered a re-evaluation.

Note: If the student transfers from outside the state of Texas and there is a need to conduct an Evaluation because the out of state evaluation is not appropriate and/or the eligibility condition does not match TEA's eligibility condition, then the new evaluation is considered an Initial Evaluation and must follow the 45-school day initial timeline.

### Procedures for Re-Evaluation

1. As part of the planning process for a re-evaluation, a SCORE meeting (scope of re-evaluation and evaluation planning meeting) must be held to determine the scope of the re-evaluation.
2. The campus-based diagnostician is responsible for the SCORE meeting. The SCORE meeting can be held in a variety of different ways including face-to-face, phone call, or email. This meeting is not an ARD meeting unless requested by the parent. This meeting must include input from the campus evaluation specialists, teachers, parents, and other staff members as appropriate.
3. The SCORE Meeting should be held at least 90 days prior to the three-year re-evaluation due date.
4. Once the SCORE Document is completed, it will be uploaded into EmpowEr
5. If any formal testing is deemed necessary based on the SCORE documents, parental consent will be obtained and all components of the FIE template will be completed formally and/or informally. A FIE will be completed, compiling current and previous evaluation data into one comprehensive report.
6. The date of the report is the date it is completed. The eligibility report (if applicable) should have the same date. This date becomes the new FIE date.
7. The only addendum reports that will be used are for related services (to add or dismiss). FIE addendums can also be used to make corrections or clarifications to the locked reports.

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## **Procedures for Re-Evaluation when the Special Education Student is a Transfer from another district**

*NOTE: An evaluation from another school district within the state of Texas is acceptable if the evaluation is current and appropriate. If the current evaluation is not accepted by FBISD and a re-evaluation is needed, FBISD has 30 school days from the date of verification to complete the re-evaluation and conduct the annual ARD 89.1050 (j)(1).*

1. Within the first five days of enrollment, a Transfer ARD or IEP Verification Meeting must be held. The campus evaluator, Campus Compliance Coordinator (CCC)/ARD Facilitator, and Special Education Department Head may conduct the Transfer ARD.
2. The Campus Compliance Coordinator (CCC)/ARD Facilitator, Special Education Department Head will make their best attempt to obtain the student's FIE and most current ARD from the prior district.
3. If the evaluation is not received at the campus after ten calendar days from the date of enrollment, the campus evaluator will initiate the process for the Re-evaluation to be conducted by the campus staff, and the campus evaluator will obtain consent for the FIE. If it is known the student will require a Re-evaluation at the time of the Transfer ARD, the campus evaluator should be notified so consent can be obtained at that time.
4. The campus evaluator will upload the necessary signed documents by the parents into EmpoWER and begin the re-evaluation.
5. Upon completion of the evaluation, if the eligibility did not change, the campus evaluator can lock the FIE once it is complete, staff, and complete the annual ARD.
6. However, if the eligibility is different from the eligibility the student transferred with, the evaluator will log the FIE in the Review Team spreadsheet to indicate that it is ready for review.
7. The evaluation review team will review the FIE to ensure the FIE includes the required components according to the district established FIE rubric. After the review process is complete, the evaluator will lock the evaluation in EmpoWER indicating it is final and complete.
8. If the review team is not in agreement with the findings, the review team will contact the evaluator to provide feedback and suggested corrections to ensure the FIE meets the district established rubric.
9. When the edits are completed, the evaluator will email the Evaluation Leadership Team so the edits can be reviewed.
10. A member from the Evaluation Leadership Team will review the edits to ensure the FIE includes the required components according to the district established FIE rubric.
11. After the review process is complete, the campus evaluation specialist will lock the FIE and will share the results of the evaluation with the parent and campus and schedule the ARD.

*\*\* If for some reason the evaluation from the previous district is received after ten days, and the evaluation is current, the campus evaluator can choose to accept that evaluation and not continue the additional evaluation. The evaluator should update the contact log to reflect the date the FIE was received and that new testing is no longer needed.*

*\*\*If at the transfer ARD, the campus does have the evaluation from the student's previous district, but it does not meet district standards, then the campus evaluator will obtain consent and conduct the evaluation. \*\**

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## **Procedures for Re-Evaluation when the Special Education Student is a Transfer from another State**

(Ex: student who enrolls in FBISD from out of state without an FIE, or an FIE with an eligibility that is not TEA recognized or does not match a TEA eligibility area)

*NOTE: An evaluation from out of state is acceptable if the evaluation is current and meets all TEA disability condition requirements.*

1. Within the first five days of enrollment, a Transfer ARD or IEP Verification Meeting must be held. The campus evaluator, Campus Compliance Coordinator (CCC)/ARD Facilitator, and Special Education Department Head may conduct the Transfer ARD.
2. The Campus Compliance Coordinator (CCC)/ARD Facilitator, Special Education Department Head will make their best attempt to obtain the student's FIE and most current ARD from the prior district.
3. If the evaluation is not received at the campus after ten calendar days from the date of enrollment, the campus evaluator will initiate the process for the Re-evaluation to be conducted by the campus staff and the campus evaluator will obtain consent for the FIE.
4. If a Re-evaluation is required for a student transferring from another state, the Re-evaluation is considered an FIIE, and the 45-day timeline is in effect.
5. If it is known the student will require a Re-evaluation at the time of the Transfer ARD, the campus evaluator should be notified so consent can be obtained at that time.
6. Once the consent is obtained, the campus evaluator will send the completed referral packet to the Program Manager of Evaluation & Related Services. Prior to sending the packet, the campus evaluator will upload the signed consent form into EmpoWEr and put the original in the referral folder.
7. The Program Manager of Evaluation will assign the folder to the initial evaluation team for completion. Once the folder has been received by the initial team member(s), they will email the campus contacts listed on the checklist to schedule the FIIE. \*\* Depending on initial team caseloads, the Program Manager of Evaluation may assign the FIIE back to the appropriate campus evaluator. If this occurs, the same procedures noted below should be followed.
8. Once the FIIE is completed in EmpoWEr, the evaluator will log the evaluation in the Review Team spreadsheet to indicate that it is ready for review.
9. The evaluation review team will review the FIIE to ensure the FIIE includes the required components according to the district established FIIE rubric. After the review process is complete, the evaluator will lock the FIIE in EmpoWEr indicating it is final and complete.
10. If the review team is not in agreement with the findings, the review team will contact the evaluator to provide feedback and suggested corrections to ensure the FIIE meets the district established rubric.
11. When the edits are completed, the evaluator will email the Evaluation Leadership Team so the edits can be reviewed.
12. A member from the Evaluation Leadership Team will review the edits to ensure the FIIE includes the required components according to the district established FIIE rubric.
13. After the review process is complete, the campus evaluation specialist will lock the FIIE and will share the results of the evaluation with the parent and campus and schedule the ARD.

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*\*If the evaluation renders a DNQ, all evaluator(s) must attend the school staffing to explain the DNQ and offer specific information regarding recommended interventions and support.*

*\*\* It is the responsibility of the initial team evaluator to complete the draft AU supplement, Behavior Intervention Plan, and Behavior and Social Skills IEP goals and objectives for the ARD if these are recommended.*

*\*\*\* If for some reason the evaluation from the previous district is received after ten days and the evaluation is current and meets TEA guidelines, the campus evaluator can choose to accept that evaluation and not continue the additional evaluation. Notify the Assistant Director of Evaluation and Compliance so that the student can be removed from the initial database and unassigned.*

## **Re-Evaluations that Result in a DNQ**

1. Before determining that a student is no longer eligible for special education and related services, the District will complete a full and individual evaluation of the student [34 C.F.R. § 300.305(e)(1)]. However, no re-evaluation is required if the student's special education rights have been terminated due to graduation from high school with a regular diploma or due to exceeding the age eligibility for FAPE under State law [34 C.F.R. § 300.305(e)(2)]. If a student's right to special education has been terminated due to age or graduation with a regular high school diploma, the District will provide the student with a summary of the student's academic achievement and functional performance, including recommendations about assisting the student in meeting postsecondary goals [34 C.F.R. § 300.305(e)(3)].

## **Re-Evaluation Utilizing the REED Process**

(continuing eligibility)

If a student has had two consistent evaluations and at the SCORE meeting, the parent and school staff agree no new formal testing is warranted, the REED can serve as the re-evaluation. In this scenario, consent does not need to be obtained.

In addition to two consecutive evaluations with no eligibility changes, the following must be considered:

1. The parent(s) and school staff must agree no new evaluation is needed for programming, eligibility, or dismissal. If any concerns are identified beyond the current eligibility or that warranted additional information for programming, formal testing should be conducted. A REED should not be used.
2. Student must be progressing on state assessment, IEP Goals & Objectives (academic and behavior).
3. If the REED is utilized, the REED is completed within the ARD document and must be completed prior to the student's 3-year re-evaluation date.

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## Assistive Technology

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**34 CFR §§ 300.5, 300.6, 300.105(a), 300.324(a)(2)(v)**

The IDEA defines "assistive technology device" as "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 a device.

"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 ARD Committee must "consider whether the child needs [AT] devices and services" as part of the program development process. The IDEA requires each public agency to ensure that AT devices and services are made available to each child with a disability if *required* as part of the child's special education, related services, or supplementary aids and services.

*Although the need for Assistive Technology (AT) must be considered for every student within the Full Individual Evaluation and during every ARD/IEP meeting, this does not mean that the Assistive Technology team needs to be involved in a formal evaluation for every special education student.*

Fort Bend ISD has categorized Assistive Technology into three levels: Level One – No Tech/Low Tech; Level Two – Mid Tech, and Level Three – High Tech.

Decisions regarding the need for assistive technology devices and services are made based on a student's ability to access the curriculum and/or the student's IEP goals and objectives. The ARD committee determines how the student's disability impacts the ability to access the curriculum and then considers whether assistive technology devices and/or services are *required* for the student to make meaningful progress.

Prior to the Annual ARD, the case manager must notify the CCC/ARD Facilitator if there are concerns with the student's current Assistive Technology or if there is a need to consider different AT supports which may include an AT Evaluation. The CCC/ARD Facilitator is required to complete the *Assistive Technology Consideration Process* Form prior to a formal request for an AT Evaluation. The Assistive Technology Resource Guide is available to support the completion of the *Assistive Technology Consideration Process* Form (See Appendix).

(1) Complete the *Assistive Technology Consideration Process* Form (see Appendix). The form provides a step-by-step process for instructional teams to follow when considering the need for assistive technology. Instructional teams review the curricular and classroom expectations for a student outlined in the IEP and information gathered from classroom teachers. If the student is making progress, no assistive technology or additional assistive technology is needed. If the student is not making progress, the team will continue through the consideration process outlined in the form.

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(2) If the student is not making progress or is not independently completing required tasks with the supports that are currently in place, utilize the Assistive Technology Resource Guide related to the areas in which the student is experiencing difficulty, to complete the *Assistive Technology Consideration Process* Form (see Appendix.) For example, if the student is non-verbal and needs a way to request needed items or make comments, reference the Oral Communication/Language section of the guide. If the student's handwriting is illegible, utilize the Writing/Written Composition section of the guide.

(3) Based on the information gathered through the consideration process, the team will identify possible low and mid tech AT tools or devices to address the areas of concern as outlined in the AT Resource Guide in column D. If the team determines that high-tech solutions may be the best option, a formal AT staffing is required. (Link in Schoology)

(4) Prior to requesting an Assistive Technology evaluation, the *Assistive Technology Consideration Process* Form must be completed and turned into the Program Manager for Assistive Technology.

## **Level One – No Tech/Low Tech Recommendations**

The FIE may recommend low-tech assistive technology. In addition, ARD Committee members may recommend Low Tech AT. Recommendations at this level may include equipment and/or services that are basic in nature, require little training in terms of use, and are inexpensive and readily available, or easily accessible within the classroom and school environment. This low-tech devices/equipment should be coded as "Assistive Technology" in the PLAAFP section of EmpoWEr (AT yes/no check box) and should be documented within the AT Supplement, accommodations, goals and objectives, and/or supplementary aids and services in the ARD document. All documentation, justification, and implementation are provided on a campus level and little or no training/support is required from the Assistive Technology staff. Examples of low-tech strategies/devices include visual schedules, picture communication systems, manual communication boards, single message voice output devices (such as a Big Mack), sequenced messaging devices (such as a Step-by-Step), use of laptop and accessibility features built into Windows and other district add on tools.

## **Level Two - Mid Tech Recommendations**

Mid-Tech recommendations are considered by campus specialists such as Speech/Language Pathologists, Occupational Therapists, Physical Therapists, Vision Specialists, Campus Based Evaluation teams, and classroom teachers *in collaboration* with the Program Specialist for Assistive Technology. These specialized AT recommendations can be included within the FIE. Based on a student's PLAAFP and curricular expectations, campus specialists identify the needs of the student and consult with members of the Assistive Technology team for assistance when making recommendations. In addition, the Mid-Tech AT must be documented appropriately in the ARD paperwork if the AT is required for a FAPE. The Mid-Tech recommendation coded as "Assistive Technology" in the PLAAFP and should be documented within the AT Supplement, accommodations, goals and objectives, and/or supplementary aids and services in the ARD document. AT is documented and maintained on a campus level as it relates to that area of service. The Mid-Tech level Assistive Technology equipment/materials may require more maintenance, more training, and may have more technical or electronic component/features than Low Tech.



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Mid Tech level devices/equipment may require a trial period of use and recommendations are based upon this trial. Devices/equipment may be available from SERS. If the equipment is not currently available in the district, it may need to be ordered. When the ARD Committee has determined that mid-level Assistive Technology is required for student use, a member of the campus will notify the Program Manager for Assistive Technology. Equipment will be checked out or ordered in the student's name. Examples of Mid Tech devices include: static display voice output communication device (such as a Go Talk 20+™), environmental control devices, and switch interface devices.

## **Level Three – High Tech Recommendations**

Recommendations for High-Tech equipment must be addressed within the Full Individual Evaluation. These recommendations should be *supported by campus data* collected based upon trials, interventions, and previous strategies documented and considered. However, there are no prerequisites for the consideration or provision of assistive technology. The FIE requires the collaboration of a multidisciplinary team which consists of a member of the Assistive Technology team, teachers, campus staff, parents/caretakers, campus based SLP, Related Service specialists, and other people/specialists that work with this student as deemed necessary. A member of the AT team must be involved in the evaluation process if high tech AT is being considered. The items considered “High Tech” are often expensive for purchase, not readily accessible, highly technical, and require specialized training and knowledge of the equipment/devices. Assistive Technology at this level is provided, documented, and tracked by the Assistive Technology team. Examples of High-Tech devices include dynamic display voice output devices (such as the Accent 1000) IPADs with specialized software programs, and eye gaze communication systems.

## **Evaluation Process for Level Three Assistive Technology Equipment/Devices**

1. If the team has determined that low- tech and mid-tech options are not appropriate, the Program Manager for Assistive Technology must be contacted to (a) assign a member from the AT Team to become part of the Full Individual team, or (b) if AT is the only evaluation being conducted, then the AT evaluation will be a standalone AT evaluation.
2. The CCC/AF must complete the following forms and upload into EmpoWEr. All required forms are included in the appendix.
  - a. *Assistive Technology Consideration Process Form*
  - b. Parent Consent
  - c. Parent Questionnaire

The CCC/AF will then send an email to the Program Manager for Assistive Technology notifying that all documents are uploaded.

3. Based on the information received, additional forms will be sent to key campus-based staff members.



# I(b) – Referrals & Evaluations

Reminders when documenting AT in the ARD document are in the table below:

When documenting Assistive Technology Equipment, it is best to describe the features of the tools that the student <i>requires</i> to complete goals/objectives/tasks.	
<b><u>Do Not</u> List Product/Brand Name of AT tools such as:</b>	<b><u>Do</u> List the Generic Description of AT tools as related to students feature matching needs such as:</b>
Intellikeys™, BigKeys™	Alternate Keyboard with large keys
PECS™ (Picture Exchange Communication System)	Picture Symbol/Icon Exchange System for Communication, Manual Communication Board with ____ locations
Big Mack™, iTalk2™, SuperTalker™ (1-8 locations), Communication Builder™ (1-16 locations), Go Talk 4+™, Go Talk 9+™, Go Talk 20+™, Go Talk 32+™, QuickTalker™	Static Display Voice Output Communication Aid with ____ locations.
Accent 1000, iPad with LAMP Words for Life, iPad with Touch Chat HD, TobiiDynavox i13	AAC (Argumentative Alternative Communication) Device with ____ locations (grid size) and the ____ vocabulary page sets. Direct select access with finger touch. Access with switches. Access with eye-gaze.
Microsoft Tools District Accessibility Tools Helper Bird Reader Coach Learning Ally	Reading Support (TTs) Spelling Grammar Help Writing Support Dictation  Audio Books

# I(b) – Referrals & Evaluations

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## Deaf/Hard of Hearing

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**34 CFR §300.8(c)(3), 34 CFR §300.8(c)(5)**

### **Initial Referrals**

When a student has a hearing loss, the student is referred for an initial evaluation for special education; there are several evaluation components that must be addressed.

### **Audiological (Part B) Evaluation**

The audiological assessment describes the type of hearing loss, with and without amplification, as well as the implications of the hearing loss for the student's hearing in a variety of circumstances. A licensed Audiologist must sign the report. Additionally, the report must have been completed in the state of Texas and within the last 12 months to be used for considering the eligibility of DHH. The campus evaluator will send the audiological report form to the Audiologist. The evaluator should follow up with frequent calls to ensure that the completed form, including date and Audiologist's signature, is returned in a timely manner.

### **Use of Fort Bend ISD Medical Consultants for Audiologists**

If the parent is unable to financially access an audiologist, Fort Bend ISD is required to contract with an outside vendor for this portion of the evaluation, and the evaluation will be completed at no cost to the parent. If the contracted audiologist is required, the assigned evaluator must email or call-in the request to the Program Manager of Evaluation & Student Support. The following information must be submitted: Student Name, DOB, Parent Name, Campus, and Type of Evaluation needed. The Program Manager will contact the assigned evaluator when the contract is executed, and the parent may be notified to schedule the appointment.

### **Use of RDSPD Audiologist and RDSPD Medical Consultant for Otolaryngologist Evaluation**

If a student who is Deaf/Hard of Hearing (DHH) receives direct RDSPD services (itinerant or site-based) and the parent is unable to financially access an audiologist, the Brazoria-Fort Bend RDSPD will conduct the audiological portion of the evaluation utilizing the RDSPD Audiologist.

### **Transportation to the Audiologist**

If a contracted vendor is utilized as part of the Full Individual Evaluation process and the parent is not able to access transportation to the vendor's office, the Program Manager of Evaluation & Student Support must be notified to assist the parent with transportation arrangements at no cost to the parent.

# I(b) – Referrals & Evaluations

## Communication Language (Part C) Evaluation

TEC §30.083(a)(6)

This portion of the evaluation describes the language and communication ability and the method of communication that will meet the individual needs of the student. The student's ability to communicate through a variety of modes of communication such as listening, speech, sign language, speech reading, and finger spelling are addressed. Each area in the Skill Levels of Specific Communication Competencies should be addressed. If the area is not applicable, it should be noted as "not applicable due to ...." Information for the Speech, Audition, Oral Language, Written Language, and Functional Communication Ability areas should be obtained from the Full Individual Evaluation, including standardized and functional assessment and classroom teacher and parent input. If No areas of weakness are noted, this may result in no educational need for the eligibility of DHH or for direct DHH services. This evaluation is completed by the speech-language pathologist with assistance from the deaf educator, upon request. The Disability Report-Deaf/Hard of Hearing (Part C)-Communication Assessment is located in EmpoWER.

<b>Evaluation</b>	<b>Evaluation Specialist</b>	<b>Person Responsible</b>	<b>Report Form</b>
Full Individual Evaluation	Diagnostician/ LSSP	Diagnostician/ LSSP	Full Individual Evaluation
Audiological	Audiologist	Diagnostician/ LSSP	DHH Part B
Communication	SLP & Deaf Educator	SLP	DHH Part C
Speech-Language	Speech-Language Pathologist	SLP	Full Individual Evaluation

## Brazoria-Fort Bend Regional Day School Program for the Deaf (RDSPD) Referral For DHH

If an evaluation is being completed and the eligibility of DHH is being considered, the initial evaluation team should contact the RDSPD office to have an RDSPD representative assigned to participate with the evaluation team. The RDSPD representative will collaborate with the evaluation team to review all student information, complete observations and functional assessment related to hearing loss, and provide a written summary to the evaluator to be included in the FIE. If the eligibility of DHH is recommended, an RDSPD representative must be present at ARD meetings.

If an evaluation is completed and an RDSPD representative was not included in the evaluation process, contact the RDSPD Director and Program Manager for Evaluation & Student Support to determine if additional information is needed.

# I(b) – Referrals & Evaluations

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## **Re-Evaluation Recommendations for DHH**

As part of the planning process for a re-evaluation for a student with DHH, a SCORE meeting (scope of re-evaluation and evaluation planning meeting) must be held to determine the scope of the re-evaluation. The teacher of the deaf/hard of hearing assigned to work with or monitor the student should be included. The following guidelines should be referenced during the SCORE meeting:

- Young children through 8<sup>th</sup> grade—for each re-evaluation a complete audiological, and communication assessment (Part A, B, and C) should be strongly considered. An aided audiogram provides valuable information as to how a student accesses information in the classroom.
- High School student re-evaluation—if hearing has remained consistent and there are no significant academic changes, the audiological, and communication assessment (part B, and C) are not required. Communication Assessment (part C) may be recommended if there have been changes to or questions concerning the student's mode of communication. The parent may have updated audiological information from routine visits for hearing aid or cochlear implant maintenance that can be shared with the assessment team upon request.
- Change in services- if service providers feel a service is no longer needed, a SCORE meeting should be held to discuss which portions of the evaluation may be needed to discontinue the service.
- Suspected change in hearing ability- if a service provider or teacher suspects a change in the student's hearing ability or speech production, a conference/ SCORE meeting should be held to determine if new evaluation/services are needed. A parent conversation may reveal new information from the student's private audiologist that may also provide helpful information for service providers.

## **Procedures to follow if a student refuses to wear amplification/listening device or the student is not wearing a listening device**

If a student refuses to wear his/her amplification/listening device, talk to the student and contact the parent to discuss the issue. If a resolution is not found, an ARD should be held, including the parent, to discuss the issue, develop interventions and supports to make sure the aids/listening device are being used.

- If behavior is causing the student to not wear the amplification/listening device, the LSSP should be consulted and a Functional Behavior Assessment (FBA) and Behavior goals and objectives and a Behavior Intervention Plan (BIP) may be warranted.
- If the student is not wearing the hearing aids/listening device for other reasons such as a lost or broken device, talk to the student and contact the parent to discuss the issue. If a resolution is not found, an ARD should be held, including the parent, to discuss the issue, and discuss supports that may be available to assist the parent with the broken device. The ARD should also consider alternatives for the student to have access to information, such as an assistive listening device with headphones, written or picture communication, etc.

# I(b) – Referrals & Evaluations

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If the student is not making adequate progress, document why the student is not making progress (e.g., student does not wear listening device; therefore, is not hearing the sounds/oral directions correctly). The classroom teacher should keep a daily log documenting the use of amplification (see Amplification Monitoring Record form found in the Appendix).

While personal care items, such as hearing aids, cochlear implants, or other listening devices are not provided by the district, the district can give recommendations for possible resources. Contact the campus nurse or campus social work representative first. If additional support is needed, contact the Director for the Brazoria-Fort Bend RDSPD.

## **Assistive Listening Device (ALD)**

- An Assistive Listening Device (ALD) such as an FM unit may be recommended by an Audiologist. An ALD is equipment that increases the functionality of a hearing aid or cochlear implant by helping the student separate the teacher's voice from background noise. When the school district provides an ALD, it should be documented on the Assistive Technology page of the student's ARD paperwork and in daily documentation kept by the student's teacher on the Amplification Monitoring Record (see Appendix). If a student identified as receiving special education services is not receiving direct weekly services from an RDSPD Teacher, contact the Program Specialist for Assistive Technology to assist with determining the need for an ALD.
- If a student identified as receiving special education services does receive direct, weekly RDSPD services, contact the RDSPD Teacher for the provision of an ALD.
- If the student is not identified with a special education eligibility and receives 504 services due to hearing loss, and an ALD has been recommended, the ALD is provided through the 504 committee.

## **Frequently Asked Questions**

### **Referrals**

1. *When should the district/ECI agency refer a student for consideration of the eligibility of Deaf/Hard of Hearing?*

When a certified audiologist has determined the student has a significant hearing loss.

2. *What is the process for making a referral for the consideration of eligibility of Deaf/Hard of Hearing for school-age students, ages 3-21 years?*

- Once a certified audiologist has determined a student to have a significant hearing loss and the district determines a referral for special education services is needed, a Full Individual Evaluation should be requested by the district.
- Contact the RDSPD office for a representative to be assigned to collaborate with the assessment team.

# I(b) – Referrals & Evaluations

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- The RDSPD representative will collaborate with the assessment team to review all student information, complete observations and functional assessment related to hearing loss, and provide a written summary to be included in the FIE.
- If the eligibility of DHH is recommended, an RDSPD representative must be present at ARD meetings.
- If an evaluation is completed and an RDSPD representative was not included in the evaluation process, contact the RDSPD Director and Program Manager for Evaluation & Student Support to determine if additional information is needed.

3. *What is the process for making a referral for the consideration of parent-infant services from the RDSPD for a birth to 2-year-old?*

- Once a certified audiologist has determined a child to have a hearing loss, the student is referred to an ECI agency, or referred to the RDSPD if already receiving ECI services. Information should be sent to the RDSPD Office Clerk (phone 281-634-1497 or fax/scan 281-327-1497).
- The RDSPD Director or Audiologist will review the data and an RDSPD teacher will complete a Communication Assessment if hearing loss is confirmed.
- If DHH services are recommended, services must be added at an Individual Family Service Plan (IFSP) meeting with the RDSPD representative present, and the student must be registered in FBISD.

4. *When should the district NOT refer a student for consideration of the eligibility of Deaf/Hard of Hearing?*

A student should not be referred when a certified audiologist has determined the student does not have a significant hearing loss or determines that the loss is conductive in nature. If the loss is conductive, the student should be treated medically. Following medical treatment, the student should have a follow-up hearing test to document the current hearing status. The student's hearing may have returned to normal. If the conductive hearing loss is not treatable, the student should be referred.

5. *What if the conductive loss cannot be treated medically, or medical treatment will be on-going or delayed indefinitely?*

A referral for evaluation or ECI services should be made for students who have a conductive loss that is untreatable medically or for whom such treatment will be delayed indefinitely.

6. *Who should the district/ECI agency contact regarding the status of DHH assessment?*

The RDSPD Office Clerk at 281-634-1497 or Program Director at 281-634-1398. Parents should contact their neighborhood school/district or ECI agency.

# I(b) – Referrals & Evaluations

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## 7. *When should a referral to Texas State School for the Deaf (TSD) in Austin be made?*

If the ARD/IEP committee determines the school district cannot provide a free and appropriate public education (FAPE) for the student in question. TSD is always an option for the parent to pursue. Parents should be informed at every annual ARD/IEP meeting that TSD is not being recommended by the district, but it is an option in the state of Texas for students who are deaf or hard of hearing and use ASL as their mode of communication.

### Assessment

## 8. *What assessment is needed to determine the eligibility of Deaf/Hard of Hearing?*

- An audiological assessment (unaided and aided) to be completed by a certified audiologist (a hearing screening by a school nurse is inadequate). This assessment must be completed on the district form to make sure that all required information is provided. Implications of hearing loss are required.
- A speech and language assessment including communication information to be completed by the Speech-Language Pathologist. A certified Teacher of the Deaf may assist with the communication assessment for school-age students or complete the communication assessment for children birth to two years.
- A Full Individual Evaluation, including cognitive, functional, and academic information to be completed by an Educational Diagnostician or LSSP. Data must be reviewed to determine if the student's educational performance is adversely affected by the loss of hearing.

## 9. *What if the student is not currently being served by the Speech-Language Pathologist?*

The district Speech-Language Pathologist should still complete the speech and language assessment and communication assessment. The communication assessment may also be completed in conjunction with a certified Teacher of the Deaf. The receptive and expressive language and listening information is especially important information to be included in the FIE.

## 10. *Can a Diagnostician/LSSP/Speech-Language Pathologist test a student who is not wearing amplification?*

Yes, if the student has never worn amplification before or has not used amplification for a significant amount of time.



# I(b) – Referrals & Evaluations

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## Eligibility

*11. What information is needed to determine the eligibility of Deaf/Hard of Hearing?*

- All items listed in #8 above.
- Grades and state or local assessment information.
- Previous ARD/IEP documentation, as appropriate to the situation.

*12. Can a student be determined to meet the guidelines for the eligibility of Deaf/Hard of Hearing (DHH) and learning disabled (LD)?*

- No, if the learning disability is in the area of language development. It is typically difficult to determine that a language disorder is unrelated to hearing loss.
- Yes, if the learning disability can be shown to be unrelated to the hearing loss, such as with a learning disability in the area of math calculation, but not math reasoning.

*13. When should a student be determined to meet the guidelines for the eligibility of Deaf Blind (DB)?*

- If the student meets the guidelines for the eligibility criteria for Deaf/Hard of Hearing (DHH) and Visual Impairment (VI),
- If the student meets the guidelines for the eligibility criteria visual impairment (VI) and has a suspected hearing loss that cannot be demonstrated conclusively, but a certified speech-language pathologist indicates there is no speech at an age when speech would normally be expected,
- If the student has documented hearing and visual losses that, if considered individually, may not meet the requirements for DHH or VI, but the combination of such losses adversely affects that student's educational performance, or
- If the student has a documented medical diagnosis of a progressive medical condition that will result in concomitant hearing and visual losses that without special education intervention will adversely affect the student's educational performance.

*14. When does a student meet the guidelines for the eligibility of Deaf/Hard of Hearing (DHH)?*

- The federal definition of "Hard of Hearing" is, "when the loss of hearing, whether permanent or fluctuating, is so severe that it adversely affects educational performance but is not included in the definition of deafness." The federal definition of "deafness" is, "when the loss of hearing is so severe that the student is impaired in processing linguistic information through hearing with or without amplification, and the impairment adversely affects educational performance." When the documented hearing loss creates an educational need for special education and related services.

# I(b) – Referrals & Evaluations

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*15. When does a student meet the guidelines for membership in the RDSPD?*

When a student who is eligible as DHH has an educational need for services from a Teacher of the Deaf on a weekly (itinerant) or daily (site location) basis, the student meets the criteria for the RDSPD programming.

*16. Can a student be determined to meet the guidelines for the eligibility of Deaf/Hard of Hearing (DHH) and not be a member of the RDSPD?*

Yes. In this case, the documented hearing loss creates an educational need for special education and related services, and the needs of the student can be met by the local campus and district.

*17. Can a student have hearing loss or deafness and not be in special education?*

Yes. If there is no educational need for special education and/or related services, the student may not be referred to special education. If a student has been in special education and no longer exhibits an educational need for services, he/she can be dismissed from special education and/or the DHH eligibility may be removed. The Full Individual Evaluation must support the removal of DHH eligibility. The student continues to have a hearing loss and may receive accommodations through 504 services.

*18. Can a student who is dismissed from special education still receive services through the Texas Offices of Deaf and Hard of Hearing Services upon graduation?*

Yes, if the requirement for their services is met.

# I(b) – Referrals & Evaluations

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## Dyslexia

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### **Evaluation Procedures**

In compliance with §504 and IDEA 2004, test instruments and other evaluation materials used in all FBISD Dyslexia Evaluations will meet appropriate evaluation criteria. The FBISD evaluation process under Special Education will follow TEA's guidelines and include specific data measuring academic skills and cognitive process typically associated with the presence of Dyslexia as referenced below:

#### **Academic Skills**

FBISD will administer measures that are related to the student's educational needs. Difficulties in the areas of letter knowledge, word decoding, and fluency (rate, accuracy, and prosody) may be evident depending upon the student's age and stage of reading development. In addition, many students with dyslexia may have difficulty with reading comprehension and written composition.

#### **Academic Skills to be tested:**

- Letter knowledge (name and associated sound) as appropriate
- Reading words in isolation
- Decoding unfamiliar words accurately
- Reading fluency (both rate and accuracy are assessed)
- Reading comprehension
- Spelling

#### **Cognitive Processes**

Difficulties in phonological and phonemic awareness are typically seen in students with dyslexia and impact a student's ability to learn letters and the sounds associated with letters, learn the alphabetic principle, decode words, and spell accurately. Rapid naming skills may or may not be weak, but if deficient, they are often associated with difficulties in automatically naming letters, reading words fluently, and reading connected text at an appropriate rate. Memory for letter patterns, letter sequences, and the letters in whole words (orthographic processing) may be selectively impaired or may coexist with phonological processing weaknesses. Finally, various language processes, such as morpheme and syntax awareness, memory and retrieval of verbal labels, and the ability to formulate ideas into grammatical sentences, may also be factors affecting reading.

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## **Cognitive Processes to be tested:**

- Phonological / phonemic awareness
- Rapid naming of symbols or objects
- Orthography (if academic skills are indicative of potential orthographic difficulties)

Additional information regarding the evaluation of student suspected of a Specific Learning Disability due to Dyslexia, Dysgraphia, or Dyscalculia can be found in the 2024 Dyslexia Handbook.

## **Emergent Bilingual (EB) –**

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Culturally and Linguistically Diverse (CLD) Students for Speech Impairment Disability

The following information is a guideline for evaluating CLD students for Speech Impairment Disability Evaluation. Determination of the evaluation battery is to be done on an individual basis.

### **Goal of the Evaluation Process**

To determine the level of communication skills and eligibility for CLD students to show benefit from the educational process.

### **Definitions**

1. Culturally and Linguistically Diverse Students: Students with language, cultural, and dialectal differences.; students who vary in languages and modality of communication (i.e., regional dialects, augmentative communication, language differences) and whose culture varies from the mainstream of the community.
2. Native language: The term is used with respect to an individual who is limited English proficient, means the language normally used by the individual or, in the case of a child, the language normally used by the parents of the child.
3. Definition of Speech/Language Impairment: A communication disorder, such as stuttering, impaired articulation, language impairment, or a voice impairment, that adversely affects the child's educational performance.
4. Communication Disorders and Variations (ASHA, 1993): "A communication disorder is an impairment in the ability to receive, send, process, and comprehend concepts or verbal, nonverbal, and graphic symbol systems." "Communication difference/dialect is a variation of a symbol system used by a group of individuals that reflects and is determined by shared regional, social, or cultural/ethnic factors. A regional, social, or cultural/ethnic variation of a symbol system should not be considered a disorder of speech or language."

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5. **Language-Learning Disability:** A language disorder is a disability that affects the child's ability to learn any language. Exposure to two languages is not the cause of the disability. Bilingual children with language disorders will have difficulty learning English, Spanish, or any other language. Students should not be considered to have language learning disabilities if "problems" are observed only in the English language. If a student is truly language-disordered, problems in communication should be evident in BOTH ENGLISH AND THE PRIMARY LANGUAGE (Roseberry-McKibbin 1995).

## **Full Individual Initial Evaluation**

The evaluation shall be conducted using procedures that are appropriate for the student's most proficient method of communication.

## **Determination of Eligibility**

Additional Requirements (in Evaluation, Eligibility Determination section)

Evaluations and other evaluation materials used to assess a child:

1. Are selected and administered so as not to be discriminatory on a racial or cultural basis;
2. Are provided and administered in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is not feasible to provide or administer.

## **Special Rule for Eligibility Determination**

In making a determination of eligibility a child shall not be determined to be a child with a disability if the determinant factor for such determination is Emergent Bilingual:

- **Monolingual Language Learner:** A student who uses one language for communication purposes.
- **Simultaneous Bilingual Language Learner:** A student who uses two or more languages for functional purposes before the age of three.
- **Sequential Bilingual Language Learner:** A student who used one language for functional purposes before the age of three, and after the age of three was introduced to a second language as a means of communication.

**Dynamic Evaluation:** Dynamic evaluation refers to a method involving a process of testing, teaching, and retesting a skill that was not demonstrated correctly in the evaluation process to measure the student's modifiability. If he/she learns the skill with minimal difficulty and minimal assistance from the teacher/clinician, a disorder in that area is questionable.

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Basic Interpersonal Communication Skills (BICS): This is the face-to-face communication in daily discourse situations such as the student's level of conversation skills (Cummins, 1984). Cummins suggests that it may take 1-2 years for an individual to become proficient in a language at the BICS level.

Cognitive/Academic Language Proficiency (CALP): Language proficiency used in the development of literacy skills or language needed to perform in the academic areas within the classroom (Cummins, 1984). Cummins suggests that it may take 5 to 7 years for an individual to become proficient in a language at the CALP level. Poor academic performance may reflect limited English proficiency rather than cognitive/ linguistic deficits.

## Language of Evaluation

A comprehensive language history interview should be completed with each child during the Campus Intervention process. Analysis of the answers to the questions on the language history flow chart will determine if the child is a monolingual, simultaneous, or sequential language learner.

- Monolingual Language Learners: Evaluation should be conducted in their home/native language. No language proficiency testing is needed.
- Simultaneous Bilingual Language Learners should be tested in both languages learned before age three. Language proficiency testing should be completed in both languages.
- Sequential Bilingual Language Learners should be tested in the native (first learned) language. Language proficiency testing should be completed if significant changes in L1 have been noted and performance in L2 is not as expected.

Generally, students in Spanish (bilingual) classes will need a Spanish evaluation if most of their instructional language is in Spanish. Students in English classes and identified as EB will need to be evaluated in Spanish and English. Students in English classes and not identified as EB, generally will need to be evaluated in English.

If an EB student appears to be dominant in English and no longer proficient in Spanish, the SLP may have an interpreter have a conversation with the student in Spanish. If the student does not appear to comprehend Spanish, testing in English may be warranted.

## Procedures for CLD Evaluations

Languages other than Spanish: Bilingual evaluations for languages other than Spanish are to be conducted with the assistance of an interpreter, if determined to be needed. To schedule the interpreter, call or email the appropriate staff to secure the interpreter with the date, time, campus, and language needed for the evaluation. Please allow two weeks' notice prior to the date you wish to do the evaluation.

# I(b) – Referrals & Evaluations

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## Spanish Re-evaluation

The campus SLP facilitates the SCORE meeting and obtains consent. English testing that is needed should be completed by the campus SLP and information entered in the FIE. If Spanish testing is needed, contact the Lead Speech Pathologist and a bilingual evaluator will be assigned to the case. The bilingual evaluator's role will be to complete testing in areas that require Spanish, and the bilingual evaluator will be responsible for writing up those respective sections. The campus SLP will write most of the report and work in collaboration with the bilingual evaluator to determine conclusion and recommendations. The campus SLP is responsible for taking the lead on the collaborative FIE.

## Procedures for Evaluations Conducted using Alternate Forms of Communication

Any accommodations that are used during the evaluation process should be reported in the Full Individual Evaluation (i.e., accepted signed responses, utilized an augmentative communication device to respond). Standardized scores should not be reported. Criterion referenced scores may be used.

## Guidelines for Evaluating CLD Students (Speech-Language Evaluation)

Determination of the evaluation battery is to be done on an *individualized* basis. The following information is a guideline only.

The instruments listed in this section are not a comprehensive list of instruments on the market. These instruments are available in Fort Bend ISD. When selecting evaluation instruments, the student should be matched with the standardization sample based on sex, cultural factors, age, and linguistics.

## All Initial Evaluations

1. Developmental history
2. BICS/CALP Teacher checklist
3. Pragmatic checklist
4. Oral Peripheral examination
5. Dynamic evaluation (see definition section)
6. Language sample

Monolingual Students	Use evaluation instruments in the student's native language. (i.e., if the child speaks only English, use English tests. If the child speaks only Spanish, test in Spanish.)
ECSE Age	(Simultaneous language learner) Test in both languages. (L1 and English)
ECSE Age	(Sequential language learner) Test in native language. Test in L2 as a supplement. Language Proficiency testing is recommended.



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**For Spanish speaking students, the following instruments are available.**

## *Language*

- EOWPVT-Bilingual edition; 2;0 to 70+
- ROWPVT-Bilingual edition; 2;0 to 70+
- PLS-5 Spanish Birth; Birth–7:11
- CASL or CELF is recommended for English language testing when testing in English and Spanish.

## *Articulation*

- PLS-5 Articulation Screener
- Arizona Articulation Test (use Fort Bend adaptation scoring form) 1.5-18
- SAM (Spanish Articulation Measure) 3 and up; Informal Data Gathering
- *Contextual Probes of Articulation Competence-Spanish* (CPAC-S); 3.0 and up
- Goldman Fristoe Test of Articulation; 2 - 21.11

\*School Age: (Sequential language learner)

Test in native language. Test in L2 (second language) as a supplement. Establish eligibility based on native language or by analyzing characteristics common to both languages.

- Portfolio evaluation
- LPAC scores

## **Guidelines for Determining Eligibility**

### **Language**

Sequential language learners—eligibility should be determined based on the language skills in the native language. Communication deficits in L2 must also be present in L1.

Simultaneous language learners—eligibility should be determined based on the development of the languages learned before the age of three. Eligibility is not determined based on the student's language proficiency level. The student's communication competence should be derived through careful analysis of the case history and evaluation data.

### **Articulation**

Sequential language learners—eligibility should be determined based on the articulation skills in the native language. (Not based on their English sound production). If articulation errors in the primary language do not exist, articulation impairment does not exist.

Simultaneous language learners—eligibility should be determined based on the sound development of the languages functionally used before age three.

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## **Stuttering**

Sequential language learners—determination of a stuttering disorder is based on the evaluation results from the native language.

Simultaneous language learners—determination of a stuttering disorder is based on the evaluation results in all languages learned before the age of three.

## **Language Proficiency (Speech-only Referrals)**

Language proficiency testing should be completed for:

1. Initial evaluations of simultaneous language learners (simultaneous—meaning students who functionally used two languages before the age of three).
2. Sequential language learners who appear to exhibit minimal use of L1 and L2.
3. Proficiency testing is not necessary for articulation (only) referrals.

Language proficiency testing instruments may include:

1. Woodcock Munoz Language Survey
2. Woodcock Johnson Tests of Achievement - IV

Reliability for younger-aged children is typically poor. Therefore, these instruments should be completed in conjunction with the parent and teacher interview of language development. Parent and teacher interview should also be factored into the determination of proficiency for school-age children as well. For children who are too young for standardized proficiency testing, the parent and teacher report the percentages of usage of L1 and L2.

## **Speech CLD Re-Evaluations**

### **Goal**

To determine continued eligibility and/or present levels of academic and functional performance.

### **Reporting Progress**

Standardized testing is NOT completed for the purpose of measuring progress. Progress cannot be measured w/ standardized scores. Measuring progress is done through criterion referenced testing, grades, weekly performance, therapy data, and the student's ability to access his/her curriculum.

### **Standardization Sample Population**

Be cognizant of matching the student to the standardization sample of the instrument. If the student does NOT match the standardization sample, standardized scores should not be reported. ONLY report criterion references.

# I(b) – Referrals & Evaluations

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## WRITTEN EVALUATION REPORTS

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### **34 CFR § 300.311(a-b)**

#### **Multidisciplinary Team**

A multidisciplinary team will conduct the evaluation. The team includes the child's parents as well as a group that is collectively qualified to conduct and interpret evaluation and intervention data, develop appropriate educational and transitional recommendations based on evaluation data, and deliver and monitor specially designed instruction and services. Both a special education teacher and a general education teacher should be included on the team. If the student does not have a general education teacher, a general education teacher qualified to teach a student of the child's age should be included. Other professionals should be included as appropriate.

#### **Observation**

At least one member of the multidisciplinary team, other than the child's current teacher, who is trained in observation, shall observe the child in the learning environment, INCLUDING the regular classroom setting to document academic performance and behavior in the area of difficulty.

#### **Written Report**

The report must include information relevant to these areas:

1. Reason for Referral
2. Educational History
3. Interventions
4. Previous evaluations, if appropriate
5. Sociological
6. Physical
7. Language Information
  
8. Speech & Language Testing
9. Emotional/Behavioral
10. Intellectual
11. Achievement
12. Adaptive Behavior
13. Assistive Technology
14. Conclusions
15. Recommendations

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## INDEPENDENT EDUCATIONAL EVALUATION (Individual Educational Evaluation (IEE))

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*34 CFR § 300.502; 34 C.F.R. § 300.502(c); 34 C.F.R. § 300.502(b)(4)*

"Independent Educational Evaluation" ("IEE") means an evaluation conducted by a qualified examiner who is not employed by the school district responsible for the child's education.

### **Right to an Independent Evaluation**

A parent or guardian may seek an Independent Educational Evaluation ("IEE") at public expense if the parent disagrees with an evaluation obtained by the District. However, the District may initiate a special education due process hearing to show that its evaluation is appropriate. This can occur before an IEE is conducted or after the parent has obtained an IEE and is asking for reimbursement. If the final decision of the hearing officer is that the evaluation was appropriate, the parent still has the right to an independent evaluation, but not at public expense.

An IEE is an evaluation conducted by a qualified examiner not employed by the school district responsible for the education of the student in question. If a parent disagrees with all or part of Fort Bend Independent School District (FBISD) assessment, the parent may ask FBISD to provide an Independent Educational Evaluation (IEE). If a parent asks FBISD to provide an IEE, then without unnecessary delay FBISD must do one of the following:

1. Ensure the IEE, which meets federal and state requirements, is provided at public expense.
2. The FBISD may choose to initiate a due process hearing to show that the evaluation is appropriate. If the district prevails in the hearing, the parent still has the right to an IEE but not at public expense.
3. If the parent obtains an IEE at private expense, the results may be presented as evidence at a hearing regarding the student.
4. If a hearing officer requests an IEE as part of a hearing, the cost of the IEE must be at public expense.
5. Public expense means that FBISD either pays for the full cost of the IEE or ensures that the evaluation is otherwise provided at no cost to the parent.
6. If a parent requests an IEE, the district may ask for the parent's reason he or she objects to the public evaluation. However, the explanation may not be required and FBISD will not unreasonably delay either providing the IEE at public expense or initiating a due process hearing to defend the district's evaluation.

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## Information for Parents:

### A. District Evaluation

If FBISD has not conducted an evaluation, the parent does not have a right to an independent evaluation at public expense. The parent may request only one IEE for each evaluation completed by the district. The results of a parent-initiated IEE will be considered by the district, but such consideration does not make the district liable for reimbursement for the IEE.

### B. Parents Notify District

Parents will be requested to notify the district of specific areas of disagreement when they disagree with the district's evaluation. FBISD may offer to resolve the parent's disagreement by providing additional evaluation, but the parents are not required to accept the offer.

### C. Where an IEE may be Obtained

Information on where an IEE may be obtained will be provided to the parents on request for an IEE. A list of individuals who can provide an IEE is available from the Special Education Office [§300.502(a)(2)]. The district criteria (State/Federal requirements) applicable for all evaluations must also be followed for the IEE. See Evaluator Requirements below:

### D. Request for an IEE at Public Expense (Steps to Follow)

## Number of IEEs

A parent is entitled to only one IEE at public expense each time the District conducts an evaluation. This would include the three-year re-evaluation or re-evaluations conducted more frequently. "Public expense" means that the District pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.

## Steps for Making a Request for an IEE

If the parent disagrees with the District's Full and Individual Evaluation during the ARD meeting, they will be prompted to go to the [FBISD Special Education Ed department website](#) to fill out an IEE Request Form. While a parent is not required to do so as a precondition for payment for an IEE, it would be helpful to the ARD Committee if the parent would explain the areas of disagreement with the District's evaluation and list assessment questions to be addressed by the IEE.

## Reimbursement or Payment

Reimbursement/payment will be made directly to the evaluator upon receipt of IEE which meets all the FBISD IEE criteria.

1. Parents obtaining an IEE without following these procedures will risk non-payment.
2. Whenever an IEE is at public expense, the criteria under which the IEE is obtained must be the same as the criteria which the school uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's rights to an IEE.

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## Evaluator Requirements

1. The independent evaluator will have the same qualifications as the FBISD assessment personnel should have if performing the same evaluation (e.g. LSSP, educational diagnostician, speech therapist, etc.) as described in the SBOE Rules and FBISD procedures. If the independent examiner wishes to use additional persons to conduct the IEE, each person must meet the district's criteria for performing his or her part of the IEE.
2. The evaluation should be conducted in a mutually agreeable location.
3. The independent evaluator will be provided appropriate information from the student's cumulative folder and special education audit folder. To exchange information including the release of student information and the receipt of the IEE report, protocols, and assessment data, the parent will be asked to sign the Release of Information Form.
4. An independent evaluator may be requested to complete a conflict-of-interest form provided by the District indicating whether the evaluator has a personal monetary interest in any service or program recommended by the evaluator, or if the independent evaluation has prior history with the family.
5. The independent evaluator may meet with appropriate school personnel to gather information about a student before the assessment and share information after the assessment with the ARD Committee.
6. The independent evaluator shall follow federal and state assessment regulations and rules, reporting requirements and established eligibility criteria for the diagnosis of students with disabilities.
7. The independent evaluation may be restricted to one assessment area upon mutual agreement by the FBISD and parent.
8. The evaluator must be located within a 75-mile radius of FBISD.
9. The evaluator should provide information in the same timely manner as required by FBISD personnel including an original typed report to the FBISD with 45 school days from the date that an IEE is approved by FBISD.
10. The independent evaluator shall attend a campus staffing to discuss the evaluation and possible resulting changes to the IEP for at least 45 minutes from the scheduled start of the staffing or the conclusion of the campus staffing.
11. Protocols used during the evaluation must be provided to FBISD and the report must include an original signature and title of all assessment personnel involved in the evaluation. The report must comply with all requirements of state and federal regulations.

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## IEE Assessment Criteria

1. The scope of the evaluation must fully evaluate the disability condition where the ARD Committee disagreed.
2. The independent evaluator shall use only the most current of each assessment instrument utilized for an IEE.
3. The independent evaluator must be trained and qualified to administer, score, and interpret the evaluation instrument(s) used in the IEE as specified by the test publisher.
4. The independent evaluator shall use assessment instruments that are age and gender appropriate for the student.
5. The independent evaluator shall use assessment instruments chosen based on their relevancy to determine the disability and/or educational needs of the student and any other educational questions to be addressed by the IEE. The independent evaluator will only assess areas previously assessed by the school district.
6. The independent evaluator shall review the student's records, including the results of evaluations conducted by the district.
7. The independent evaluator shall follow the publisher's guidelines/recommendations for timelines of administering the same version of an instrument or measure that was used in a previous assessment of the student.
8. The independent evaluator should not use any single measure as the sole criterion for
9. determining whether a student has a disability or for determining an appropriate education program for a student.
10. The independent evaluator shall select and administer assessment instruments so as not to be a discriminator on a racial or cultural basis.
11. The independent evaluator shall provide and administer assessment instruments in the
12. 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 do so.
13. The independent evaluator shall select and administer evaluations tailored to assess specific areas of educational needs and not merely those designed to provide a single intelligence quotient.
14. The independent evaluator shall select and administer assessment instruments that accurately reflect the student's aptitude, achievement level, or other factors the test purports to measure rather than reflecting the student's impaired sensory, manual or speaking skills unless those skills are the factor the test purports to measure.
15. The independent evaluator shall include an observation(s) of the student in an educational setting and interview the school staff if student observations and staff interviews would be included if the evaluation was performed by the district.
16. The independent evaluator shall include parent information through interviews and/or questions.



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17. The independent evaluator shall provide an original signed written report of findings and test protocols to the district within 45 school days from the date that FBISD authorizes the IEE. The report should include the following:
- i. Date(s) when evaluation activities were conducted
  - ii. A list of all information/data reviewed
  - iii. A complete summary of all test scores along with subtest scores of the test administered
  - iv. A complete summary of all information obtained or reviewed from observations, interviews, and other non-standardized assessment instruments
  - v. A discussion and interpretation of test results
  - vi. Full and complete information that addresses the presence or absence of those symptoms and conditions included in the specific eligibility criteria according to federal and state regulations. The report shall include the type and severity of the impairment and the functional implications for the educational process. The report must provide the ARD committee with sufficient information to determine whether the student has a disability that requires the provision of special education services to the student, and if so, information that is sufficiently comprehensive to identify all of the student's special education and related service's needs, whether or not commonly linked to the student's disability category.
18. All personnel involved in the evaluation shall sign the report.
19. The independent evaluator will follow all evaluation guidelines in IDEA, its implementing regulations, the Texas Education Code, and the Texas Administrative Code.
20. *The independent evaluator must participate in and attend any Admission Review and Dismissal (ARD) meetings for the full duration including those reconvened and rescheduled.*
21. The independent examiner must meet all state law and district policy requirements concerning criminal history.

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## Criteria for Fee Setting

1. The Fort Bend Independent School District will pay a fee for the IEE which allows a parent to choose from among the qualified professionals in the area and the estimated rates for IEEs and required credentials are below:
  - a. **Functional Behavioral Assessments** not to exceed \$2,000. *(Required credential: Licensed Specialist in School Psychology (LSSP) or Board-Certified Behavior Analyst (BCBA))*
  - b. **Psycho-educational Evaluations** (including bi-lingual) not to exceed \$2,000. *(Required credential: LSSP or Diagnostician)*
  - c. **Psychological Evaluations** (including bilingual) not to exceed \$2,000. *(Required credential: LSSP)*
  - d. **Speech and Language Evaluations** (including bi-lingual) not to exceed \$1,500 *(Required credential: Speech Language Pathologist with Certificate of Clinical Competence (CCC))*
  - e. **Vocational Assessments** not to exceed \$1,200. *(Required credential: LSSP, Educational Diagnostician's Certificate or other education related certificate)*
  - f. **Occupational and Physical Therapy Evaluations** not to exceed \$900. *(Required credential: Occupational Therapy Licensee, Physical Therapy Licensee)*
  - g. **Functional Vision/Learning Media Assessment** not to exceed \$750. *(Required credential: Certified Teacher of Vision Impairment)*
  - h. **Assistive Technology Assessment** not to exceed \$900. *(Required credential: Occupational Therapist, or Physical Therapist or Speech Pathologist)*
2. The FBISD will review the revisions to the Independent Educational Evaluation Guidelines and provide a written copy to the independent evaluator prior to the signing of the contract for services.
3. The FBISD will not pay unreasonably excessive fees. An unreasonably excessive fee is one which is 10% above the prevailing fees in the area (or 20% above the Medicaid rate) for the specific test being considered.
4. Parents will have the opportunity to provide evidence of any unique circumstances that would justify an IEE that does not fall within the FBISD's criteria.
5. When service providers have a sliding scale fee based on parent income, the FBISD will pay the amount charged to the parent if it is within the district's cost guidelines.
6. In the event a parent pursues an IEE independently, an original billing form must be submitted to the FBISD prior to payment. Before reimbursement or direct payment is authorized, district criteria must be met and the written report received.

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## **Parents Seeking Reimbursement for a Unilaterally Obtained IEE**

1. The FBISD will not consider a parent request for payment for a unilaterally parent-initiated IEE unless the request is made within a reasonable time after the parent's receipt of the results of the IEE. A reasonable time is defined as 90 calendar days.
  2. The request will be presented to FBISD for action.
  3. The FBISD can request a due process hearing to prove its own evaluation is appropriate. This can occur before the IEE is conducted or, after the parent has obtained one and is seeking reimbursement.
  4. The FBISD will deny payment of an IEE conducted by an evaluator who does not meet minimum qualifications.
  5. The FBISD will deny payment of an IEE which does not meet minimum Texas Education Agency criteria for the specific disability identified.
  6. The FBISD will deny payment for an IEE which does not meet all state and federal requirements.
- The results of a unilaterally obtained IEE at private expense will be considered by the ARD committee in any decision made with respect to the provision of a free appropriate public education to the student if the IEE meets the district's criteria. Such consideration does not mean the district must accept the recommendations in the IEE, nor does it make the FBISD liable for payment of the evaluation.

## **Consideration of Parent-Initiated IEEs**

If the parent obtains an IEE at public expense or shares with the District an evaluation obtained at private expense, the District must consider the results of the evaluation, if it meets agency criteria, in any decision made with respect to the provision of FAPE to the child. The District's obligation to consider an IEE does not require the District to accept the IEE or its recommendations. Moreover, consideration by the ARD Committee of an IEE obtained at private expense does not make the District liable for payment of the IEE.

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## ARD MEETINGS TO REVIEW EVALUATIONS

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### Scheduling ARD Meeting

1. The evaluator notifies the campus that the Full Individual Evaluation is complete.
2. The campus schedules the ARD/IEP meeting, sends the Notice of ARD/IEP Meeting to the parent, and notifies other required participants.
3. It is recommended that a staffing be held prior to the ARD/IEP meeting to review the Full Individual Evaluation, draft IEP goals/objectives, and prepare for the Initial ARD meeting.
4. The campus should send the draft IEP goals/objectives to the parent at least 5 days prior to the ARD meeting to gather input or parent input can be gathered during the ARD process.
5. For **FIEs** the Program Manager or Lead Diag/LSSP/SLP notifies the CCC/AF of the campus along with all the evaluation personnel who conducted the **FIE**.
6. For **Private School Students**: See information in the Private School / Home School section.
7. For **Students who are DHH**: See information in the Deaf/Hard of Hearing section.
8. For **Students who are VI**: See information in the Visual Impairment section.

### Timeline for ARD Meeting

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 FIE report. If the 30th day falls during the summer and school is not in session, the ARD committee must meet not later than the 15th school day of the following school year to finalize decisions concerning the student's initial eligibility determination, and, if appropriate, IEP and placement. If the 30th day falls during the summer and school is not in session but an FIE report indicates that the student would need extended school year services during that summer, the ARD committee must meet as expeditiously as possible after completion of the report.

A copy of the written FIE report must be provided to the parent as soon as possible after completion of the report but no later than 5 school days prior to the initial ARD committee meeting, which will determine a student's initial eligibility. If consent was received at least 35 but less than 45 school days before the last instructional day, the FIE must be provided to the parent by June 30th.