

# Section 1(b)

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# I(b) –Evaluations

## Table of Contents

<b>TABLE OF CONTENTS .....</b>	<b>1000</b>
<b>GENERAL INFORMATION .....</b>	<b>1002</b>
<b>DISCLAIMER .....</b>	<b>1002</b>
<b>FULL AND INITIAL INDIVIDUAL EVALUATIONS .....</b>	<b>1003</b>
<b>RE-EVALUATION .....</b>	<b>1009</b>
<i>Overall Principles .....</i>	<i>1009</i>
<i>Procedures for Re-Evaluation When No New Eligibility is Suspected .....</i>	<i>1009</i>
<i>Procedures for Campus Re-Evaluations .....</i>	<i>1010</i>
<i>Procedures for re-evaluation for SI only when a second eligibility is suspected (this includes when dyslexia is the second suspected condition) .....</i>	<i>1010</i>
<i>Procedures for Re-Evaluation when multiple changes in eligibility are suspected .....</i>	<i>1011</i>
<i>Procedures for Re-Evaluation when the Special Education Student is a Transfer from another district .....</i>	<i>1012</i>
<i>Procedures for Re-Evaluation when the Special Education Student is a Transfer from another State .....</i>	<i>1013</i>
<i>Re-Evaluations that Result in a DNQ .....</i>	<i>1014</i>
<i>Re-Evaluation Utilizing the REED Process (continuing eligibility) .....</i>	<i>1015</i>
<b>ASSISTIVE TECHNOLOGY .....</b>	<b>1016</b>
<i>Level One – No Tech/Low Tech Recommendations .....</i>	<i>1017</i>
<i>Level Two - Mid Tech Recommendations.....</i>	<i>1017</i>
<i>Level Three – High Tech Recommendations .....</i>	<i>1018</i>
<i>Evaluation Process for Level Three Assistive Technology Equipment/Devices .....</i>	<i>1019</i>
<b>DEAF/HARD OF HEARING .....</b>	<b>1020</b>
<i>Initial Referrals .....</i>	<i>1020</i>
<i>Otological (Part A) Evaluation .....</i>	<i>1020</i>
<i>Audiological (Part B) Evaluation .....</i>	<i>1020</i>
<i>Use of Fort Bend ISD Medical Consultants for Otolaryngologist or Audiologists .....</i>	<i>1020</i>
<i>Use of RDSPD Audiologist and RDSPD Medical Consultant for Otolaryngologist Evaluation .....</i>	<i>1020</i>
<i>Transportation to the Audiologist or Otolaryngologist .....</i>	<i>1021</i>
<i>Communication Language (Part C) Evaluation .....</i>	<i>1021</i>
<i>Brazoria-Fort Bend Regional Day School Program for the Deaf (RDSPD) Referral For DHH.....</i>	<i>1021</i>
<i>Re-Evaluation Recommendations for DHH .....</i>	<i>1022</i>
<i>Procedures to follow if a student refuses to wear amplification/listening device or the student is not wearing a listening device .....</i>	<i>1023</i>
<i>Assistive Listening Device (ALD).....</i>	<i>1023</i>
<i>Frequently Asked Questions .....</i>	<i>1024</i>
<b>DYSLEXIA (UPDATED DUE TO TEA CORRECTIVE ACTION PLAN GUIDANCE) .....</b>	<b>1029</b>
<i>Evaluation Procedures .....</i>	<i>1029</i>
<i>Academic Skills.....</i>	<i>1029</i>
<i>Academic Skills to be tested: .....</i>	<i>1029</i>
<i>Cognitive Processes .....</i>	<i>1029</i>
<b>LIMITED ENGLISH PROFICIENT (LEP) – CULTURALLY AND LINGUISTICALLY DIVERSE (CLD) STUDENTS FOR SPECIFIC LEARNING DISABILITY, INTELLECTUAL DISABILITY, AND OTHER HEALTH IMPAIRMENT .....</b>	<b>1030</b>
<i>Goal of the Evaluation Process .....</i>	<i>1030</i>
<i>Definitions.....</i>	<i>1030</i>
<i>Full Individual and Initial Evaluation .....</i>	<i>1030</i>
<i>Determination of Eligibility .....</i>	<i>1030</i>
<i>Special Rule for Eligibility Determination.....</i>	<i>1031</i>
<i>Evaluation of Specific Learning Disability, Intellectual Disability, and Other Health Impairment .....</i>	<i>1032</i>
<i>Procedures for CLD Evaluations .....</i>	<i>1032</i>
<i>Procedures for Evaluations Conducted Using Alternate Forms of Communication.....</i>	<i>1033</i>
<b>LIMITED ENGLISH PROFICIENT (LEP) – CULTURALLY AND LINGUISTICALLY DIVERSE STUDENTS SPEECH EVALUATION PROCESS.....</b>	<b>1033</b>

# I(b) – Referrals & Evaluations

---

<i>Goal of the Evaluation Process</i> .....	1033
<i>Definitions</i> .....	1033
<i>Full Individual Initial Evaluation</i> .....	1033
<i>Determination of Eligibility</i> .....	1034
<i>Additional Requirements (in Evaluation, Eligibility Determination section)</i> .....	1034
<i>Language of Evaluation</i> .....	1035
<i>Procedures for CLD Evaluations</i> .....	1036
<i>Guidelines for Determining Eligibility</i> .....	1038
<i>Language Proficiency (Speech-only Referrals)</i> .....	1038
<b>LSSP REQUEST FORM</b> .....	1039
<b>WRITTEN EVALUATION REPORTS</b> .....	<b>1040</b>
<i>Multidisciplinary Team</i> .....	1040
<i>Observation</i> .....	1040
<i>Written Report</i> .....	1040
<b>INDEPENDENT EDUCATIONAL EVALUATION (INDIVIDUAL EDUCATIONAL EVALUATION (IEE))</b> .....	<b>1041</b>
<i>Right to an Independent Evaluation</i> .....	1041
<i>Number of IEEs</i> .....	1041
<i>Criteria under Which Evaluation Must Be Obtained</i> .....	1041
<i>Condition of Payment</i> .....	1041
<i>Reasonable Cost Criteria</i> .....	1041
<i>Location of the Examiner</i> .....	1042
<i>Conditions for Waiver of Cost/Location Criteria</i> .....	1042
<i>Certifications and Licenses</i> .....	1042
<i>Conflict of Interest</i> .....	1042
<i>Steps for Making a Request for an IEE</i> .....	1042
<i>Selection of Examiner</i> .....	1043
<i>Parent-Initiated IEEs</i> .....	1043
<i>Evaluation</i> .....	1043
<i>Teacher Reports</i> .....	1043
<i>Written Reports/Content</i> .....	1043
<i>Timeline</i> .....	1043
<i>Content of Report</i> .....	1043
<i>Form of Report</i> .....	1044
<i>Signatures on Report</i> .....	1044
<i>Consideration of Parent-Initiated IEEs</i> .....	1044
<b>ARD MEETINGS TO REVIEW EVALUATIONS</b> .....	<b>1045</b>
<i>Scheduling ARD Meeting</i> .....	1045
<i>Timeline for ARD Meeting</i> .....	1045

# I(b) – Referrals & Evaluations

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## GENERAL INFORMATION

***FBISD Board Policies: EHBAA (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

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

# I(b) – Referrals & Evaluations

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## FULL AND INITIAL INDIVIDUAL EVALUATIONS

***FBISD Board Policies: EHBAA (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 full and individual evaluations 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 achievement, 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—

- The evaluation staff member will review and provide the Parent Guardian Acknowledgement form in Success Ed for the parent to sign. This acknowledgement form confirms in writing that the parent received the Texas Parent's Guide to the Admission, Review and Dismissal Process (called Parent Guardian Acknowledgement). The Parent's Guide provides written notification to parents for whom a special education referral has been made that the initial evaluation and the resulting report must be completed no later than 45 school days from the day the school receives your written consent, except if your child has been absent from school during the evaluation period on three or more school days, the evaluation period must be extended by a number of school days equal to the number of school days that your child has been absent. The school must give you a copy of the evaluation report at no cost. A copy of the Parent Guardian Acknowledgment is included with this submission.
- 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;

# I(b) – Referrals & Evaluations

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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 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)].



# I(b) – Referrals & Evaluations

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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]. 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)].

## 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 aforementioned data to determine what type of formal and informal assessments and other evaluation materials are required to appropriately evaluate the child

# I(b) – Referrals & Evaluations

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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).

The student will be evaluated in all areas related to the suspected disabilities in order 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 or not 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.



# I(b) – Referrals & Evaluations

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## 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.

The FIE must be completed within 45 instructional days, and within 30 calendar days of completion for the initial ARD meeting. If students accrue three or more absences within the 45 instructional days, the timeline will be extended to reflect the absences during the 45 instructional day time period. If the evaluation cannot be completed within the 45 instructional day period, the evaluation should remain open or in a draft format until all areas of suspected disability have been addressed. If the completion date of the FIE is not within the required initial evaluation timeline and the student is eligible for special education services, the initial ARD committee must discuss the need for compensatory services and document the decision within the compensatory supplement document in Success Ed.

The examples below are situations in which an evaluation should remain open or in draft until all areas of suspected disability have been addressed.

- Example 1: Campus suspects a student may have an Other Health Impairment (OHI) for ADHD and a Specific Learning Disability (SLD) in the area of reading. The evaluator assesses and rules out SLD (student displays average intelligence and academic skills) and notes the student has a medical diagnosis for ADHD. The evaluator did not assess in the area of ADHD and did not explain in the conclusion why the student is or is not eligible for special education services. The initial ARD was held within the required 30 calendar-day window and the ARD committee agreed the student was not eligible for special education services as a student with a SLD. After the initial ARD was completed, another initial consent and evaluation was obtained and at the conclusion of the second initial full individual evaluation the student was found to be eligible as a student with OHI.
- Example 2: Campus referral is solely for a SLD. During the evaluation, the evaluator suspects another disability (speech impairment in the area of articulation) but the evaluator did not assess in the area and did not explain in the conclusion why the student is or is not eligible for a Speech Impairment (SI). After the initial ARD was completed for SLD, another initial consent and evaluation was obtained and at the conclusion of the second initial full individual evaluation the student was found to be eligible as a student with SLD and SI.

In both cases the evaluator should have assessed the additional suspected disability areas in lieu of finalizing the evaluation by the forty-fifth instructional day to meet the compliance deadline.

# I(b) – Referrals & Evaluations

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Additionally, when the initial ARD meeting was held out of timeline, the ARD committee should have considered compensatory services to address the missed timeline.

*Do not close out or finish an evaluation if there is a suspicion of an additional disability. Rather, forgo the initial timeline to ensure the student has a comprehensive and integrated report that fully addresses all suspected disabilities and address the missed timeline within the compensatory supplement of the ARD document.*

# I(b) – Referrals & Evaluations

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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 When No New Eligibility is Suspected**

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 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 SuccessEd
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.

# I(b) – Referrals & Evaluations

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## **Procedures for Campus Re-Evaluations**

(Campus evaluation staff is not initially suspecting a different eligibility condition)

1. If while completing a re-evaluation at the campus level, the data indicates the need to evaluate a different eligibility condition (e.g., LD to ID; LD to OHI for ADHD, etc.) the campus evaluation staff will evaluate for the suspected area of disability. Prior to beginning the additional evaluation, the parent must be notified and in agreement with the additional testing. The consent form must also be updated to reflect the change in the evaluation.
2. Once the FIE has been completed in its entirety in Success Ed, the evaluator will log the FIE in the Review Team spreadsheet to indicate that it is ready for review.
3. 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 Success Ed indicating it is final and complete.
4. 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.
5. When the edits are completed, the evaluator will email the Evaluation Leadership Team so the edits can be reviewed.
6. 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. After the review process is complete, the campus evaluation specialist will lock the FIE and will staff with the parent and campus and schedule the ARD.
7. The campus evaluation staff will review the results of the re-evaluation with the parent prior to the ARD meeting.

## **Procedures for re-evaluation for SI only when a second eligibility is suspected (this includes when dyslexia is the second suspected condition)**

(Ex: student who is SI only and there is suspicion of a second eligibility)

1. The SLP, as the case manager, will collect all the necessary documentation needed from the Referral for FIE form (This is the same form used during the SST team referral process) and complete the SCORE meeting to determine needed evaluations. The SLP will consult with the Campus Based Evaluator.
1. The SLP will obtain consent from the parent.
2. After consent is obtained, the SLP will upload any signed documents by the parent including consent to Success Ed. Please note that if Dyslexia is suspected the Diagnostician or LSSP will conduct the evaluation. The dyslexia teacher may be consulted but does not conduct the dyslexia evaluation as the Re-Evaluation will include the appropriate tests to determine if the student has Dyslexia.
3. Once consent is obtained, the campus evaluator will conduct the evaluation.
4. Once the FIE has been completed in its entirety in Success Ed, the evaluator will log the FIE in the Review Team spreadsheet to indicate that it is ready for review.

# I(b) – Referrals & Evaluations

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5. 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 Success Ed indicating it is final and complete.
6. 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.
7. When the edits are completed, the evaluator will email the Evaluation Leadership Team so the edits can be reviewed.
8. 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. After the review process is complete, the campus evaluator will lock the FIE and will staff with the parent and campus and schedule the ARD.
9. The campus evaluator will review the results of the re-evaluation prior to the ARD meeting.

## **Procedures for Re-Evaluation when multiple changes in eligibility are suspected**

(Ex: student who has had multiple changes in eligibility categories)

1. The campus evaluator will collect all the necessary documentation needed from the Referral for FIE form (This is the same form used during the SST team referral process) and SCORE documentation.
2. The campus evaluator will obtain consent from the parent and upload all signed documents by the parent into Success Ed.
3. Once the FIE has been completed in its entirety in Success Ed, the evaluator will log the FIE in the Review Team spreadsheet to indicate that it is ready for review.
4. The Evaluation Leadership 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 Success Ed indicating it is final and complete.
5. 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.
6. When the edits are completed, the evaluator will email the Evaluation Leadership Team so the edits can be reviewed.
7. 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.
8. 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.

# I(b) – Referrals & Evaluations

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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 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 Success Ed 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 Success Ed 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 the 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.*



# I(b) – Referrals & Evaluations

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*\*\*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. \*\**

## **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 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 Initial Evaluation 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 Success Ed 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 Full Individual and Initial Evaluation (FIE). \*\* Depending on initial team caseloads, the Program Manager of Evaluation may assign the Initial Evaluation back to the appropriate campus evaluator. If this occurs, the same procedures noted below should be followed.
8. Once the FIE is completed in Success Ed, 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 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 Success Ed 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 FIE meets the district established rubric.

# I(b) – Referrals & Evaluations

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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 FIE includes the required components according to the district established FIE rubric.
13. 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 the evaluation renders a DNQ, the evaluator must attend the school staffing to explain the DNQ and offer specific information regarding recommended interventions and support.*

*\*\*If the evaluation renders an eligibility of AU, ED, or OHI for ADHD, the LSSP must attend the school staffing. It is the responsibility of the initial team evaluator to complete the draft AU supplement, Behavior Intervention Plan, and Behavior/Social goals and objectives for the ARD if these are recommended.*

*\*\*\* If for some reason the evaluation from the previous district is received after the 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.*

## **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)].
2. If after completing a re-evaluation, the student DNQs in all eligibility areas, the campus evaluator will log the evaluation in the Review Team spreadsheet to indicate that it is ready for review. 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 Success Ed indicating it is final and complete. 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. When the edits are completed, the evaluator will email the Evaluation Leadership Team so the edits can be reviewed. 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. After the review process is complete, the campus evaluator will lock the FIE and will staff with the parent and campus and schedule the ARD.

# I(b) – Referrals & Evaluations

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## **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 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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# I(b) – Referrals & Evaluations

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## ***Assistive Technology***

***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.

# I(b) – Referrals & Evaluations

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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. These low-tech devices/equipment should be coded as "Assistive Technology" in the PLAAFP section of Success Ed (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 classroom computer, accessibility features built into the Windows operating system on campus computers, and spell checkers.

## **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 section of

# I(b) – Referrals & Evaluations

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Success Ed (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. 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. 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: a portable word processor (such as an AlphaSmart), static display voice output communication device (such as a Go Talk 20+™), and word prediction software (such as Co-Writer™)

## **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) laptop computers with specialized software programs, Eye gaze communication systems, and portable tablets (such as an iPad).



# I(b) – Referrals & Evaluations

## 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 Success Ed. 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.

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>
AlphaSmart™, iPad, HP Laptop	Portable word processor, tablet, student laptop
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.
Co:Writer License Sanp&Read License	Robust word prediction software to support writing. Robust text to speech software to support reading.

# I(b) – Referrals & Evaluations

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## ***Deaf/Hard of Hearing***

***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.

### **Otological (Part A) Evaluation**

The otological assessment must indicate a serious hearing loss even after corrective medical treatment or use of amplification. The report must be signed by an Otolaryngologist (ENT doctor) or a licensed medical doctor with documentation that an otolaryngologist is not reasonably available. The evaluator will send the otological report form to the otolaryngologist. The evaluator should follow up with frequent calls to ensure that the completed form, including date and doctor's signature, is returned in a timely manner.

### **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. The campus evaluator will send the audiological report form to the Audiologist. The campus 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 Otolaryngologist or Audiologists**

If the parent is unable to financially access an audiologist or otolaryngologist, 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 or otolaryngologist is required, the campus 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, Type of Evaluation needed (Audiological and/or Otological). The Program Manager will contact the campus 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 or otolaryngologist, the Brazoria-Fort Bend RDSPD will conduct the audiological portion of the evaluation utilizing the RDSPD Audiologist. The RDSPD is required to contract with an outside vendor for the portion of the otological evaluation, and the evaluation will be completed at no cost to the parent.

# I(b) – Referrals & Evaluations

## Transportation to the Audiologist or Otolaryngologist

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.

## 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-Auditory Impairment (Part C)-Communication Assessment is located in Success Ed.

Evaluation	Evaluation Specialist	Person Responsible	Report Form
Full Individual Evaluation	Diagnostician/ LSSP	Diagnostician/ LSSP	Full Individual Evaluation
Otological	ENT or Otolaryngologist	Diagnostician/ LSSP	DHH Part A
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, a 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 Coordinator 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, otological, 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. Otological (part A) re-evaluation may not be recommended if the previous two evaluations show no medical changes.
- High School student re-evaluation—if hearing has remained consistent and there are no significant academic changes, the audiological, otological and communication assessment (part A, 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 in order 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.

# I(b) – Referrals & Evaluations

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## **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.

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 Coordinator for the Brazoria-Fort Bend RDSPD.

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

- An Assistive Listening Device (ALD) such as a 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 a 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.

# I(b) – Referrals & Evaluations

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## 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.
  - 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, a RDSPD representative must be present at ARD meetings.
  - If an evaluation is completed and a RDSPD representative was not included in the evaluation process, contact the RDSPD Coordinator 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. An otological evaluation should be obtained and information sent to the RDSPD Office Clerk (phone 281-634-1497 or fax/scan 281-327-1497).
  - The RDSPD Records Clerk will send a “Referral for DHH Services” form outlining any information that is needed.
  - The RDSPD Coordinator or Audiologist will review the data and a 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.



# I(b) – Referrals & Evaluations

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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 has a significant hearing loss that 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.

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 Coordinator at 281-634-1398. Parents should contact their neighborhood school/district or ECI agency.

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.

# I(b) – Referrals & Evaluations

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## Assessment

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

- An otological evaluation to be completed by an otolaryngologist (Ear, Nose, and Throat Physician). This assessment must be completed on the district form to make sure that all required information is provided.
- 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 the 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 very important information to be included in the FIE.

10. *Can a Diagnostician/LSSP or 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 very difficult to determine that a language disorder is unrelated to the 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 "hearing impairment" 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". TWhen 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 a 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 (Updated due to TEA Corrective Action Plan Guidance)***

### **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 or 504 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.

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

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

# I(b) – Referrals & Evaluations

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## Possible Additional Areas

Based on the student's academic difficulties, characteristics, and/or language acquisition, additional areas related to vocabulary, listening comprehension, oral language proficiency, written expression, and other cognitive abilities may need to be assessed to provide a more comprehensive evaluation.

(Dyslexia Handbook Revised 2018, pgs. 28 – 30)

## ***Limited English Proficient (LEP) – Culturally and Linguistically Diverse (CLD) Students for Specific Learning Disability, Intellectual Disability, and Other Health Impairment***

The following information is a guideline for evaluating CLD students for Specific Learning Disability and/or Intellectual Disability and/or Other Health Impairment Evaluation. Determination of the evaluation battery is to be done on an *individualized* basis.

## Goal of the Evaluation Process

To determine the level of academic skills and eligibility for CLD students in order 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 “native language,” when 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. Specific Learning Disability: a disability that affects the child's ability to learn. Exposure to two languages is not the cause of the disability.

## Full Individual and Initial Evaluation

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

## Determination of Eligibility

Additional Requirements (in Evaluation, Eligibility Determination section)

Evaluations and other evaluation materials used to assess a child under this section:

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



# I(b) – Referrals & Evaluations

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## **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 Limited English proficiency:

- **Monolingual Language Learner:** A student who uses one language for communication purpose.
- **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:** this refers to a method involving a process of testing, teaching, and retesting a skill that was not demonstrated correctly in the evaluation process in order 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 particular area is questionable.

**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):** This is the 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.

# I(b) – Referrals & Evaluations

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## **Evaluation of Specific Learning Disability, Intellectual Disability, and Other Health Impairment**

A comprehensive history of response to intervention and the Profile of Language Dominance and Proficiency sheet should be completed on each child during the SST process.

Monolingual Language Learners: Evaluation should be conducted in their home/native language if possible.

Simultaneous or Sequential Bilingual Language Learners will be tested first in English and then in their second language, if possible, as needed.

Generally, students in Spanish (bilingual) classes will need a Spanish evaluation if the majority of their instructional language is in Spanish. Students in English classes and identified as LEP will need to be evaluated in English first followed by Spanish, as appropriate. Students in English classes and not identified as LEP, generally will need to be evaluated in English.

## **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 person to secure the interpreter, with the date, time, campus, and language needed for the evaluation. Please allow a two-week notice prior to the date you wish to do the evaluation.

\*\*\* If a translator / interpreter is used for the administration of a test, remember the test is not normed in this fashion and may alter the validity of the results of the test administered --- use extreme caution when using interpreters. In addition, when using an interpreter, consideration should be made regarding the reporting of standard scores. \*\*\*

# I(b) – Referrals & Evaluations

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## **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.

**\*\*\*\*If a student identified as ELL is being evaluated for a specific learning disability, the evaluation staff must use the Cross Battery Approach (use the cross-battery CD accompanied by the XBASS)\*\*\***

## ***Limited English Proficient (LEP) – Culturally and Linguistically Diverse Students Speech Evaluation Process***

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

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

### **Definitions**

1. Culturally and Linguistically Diverse Students: students with language, cultural, and dialectical 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: 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."
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.

# I(b) – Referrals & Evaluations

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## Determination of Eligibility

### Additional Requirements (in Evaluation, Eligibility Determination section)

Evaluations and other evaluation materials used to assess a child

- Are selected and administered so as not to be discriminatory on a racial or cultural basis;
- 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 Limited English proficiency. Below are examples of situations where language is deemed the primary factor for learning interference rather than a specific learning disability:

- 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: refers to a method involving a process of testing, teaching, and retesting a skill that was not demonstrated correctly in the evaluation process in order 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 particular area is questionable.
- Basic Interpersonal Communication Skills (BICS): 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.

# I(b) – Referrals & Evaluations

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## **Language of Evaluation**

A comprehensive language history interview should be completed on 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.

As a general rule, students in Spanish (bilingual) classes will need a Spanish evaluation. Students in English classes and identified as LEP will need to be evaluated in Spanish and English. Students in English classes and not identified as LEP, generally will need to be evaluated in English.

If an ELL 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.

# I(b) – Referrals & Evaluations

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## Procedures for CLD Evaluations

1. Languages other than Spanish: bilingual evaluations for languages other than Spanish are to be conducted with the assistance of an interpreter. To schedule the interpreter, call or email the Program Manager for Evaluation & Student Support with the date, time, campus, and language needed for the evaluation. Please allow a two-week notice prior to the date you wish to do the evaluation.
2. Spanish Evaluations (initial): the campus SLP will gather all RI referral information, obtain consent, and complete a Ready for CLD Testing form. The campus SLP will include the Ready for CLD Testing form in the intervention/referral folder and send the referral folder with signed consent to the Program Manager for Evaluation & Student Support. The folder will then be assigned to a district-wide evaluator who will then send the Ready for CLD Testing form to the bilingual evaluation team.
3. Spanish Re-evaluation: speech checklist, ROWPVT, EOWPVT, and classroom observation are completed by the campus SLP with the interpreter assigned to the campus. English testing that is needed should be completed by the campus SLP. The Ready for CLD Testing form should be completed and emailed to the bilingual evaluation team when consent is obtained. Spanish testing is to be completed by the bilingual SLP who is assigned to the evaluation. The campus SLP is responsible for completing the evaluation report.
4. 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.

# I(b) – Referrals & Evaluations

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## 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.)
PPCD/ECSE Age	(Simultaneous language learner) Test in both languages. (L1 and English)
PPCD/ECSE Age	(Sequential language learner) Test in native language. Test in L2 as a supplement. Language Proficiency testing is recommended.

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

### *Language*

- EOWPVT-Bilingual edition; 2;0 to 70+
- ROWPVT-Bilingual edition; 2;0 to 70+
- PLS5 Spanish Birth; Birth–7:11
- CASL or CELF is recommended for English language testing when testing in English and Spanish.

### *Articulation*

- PLS5 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



# I(b) – Referrals & Evaluations

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## **Guidelines for Determining Eligibility**

### **Language**

1. 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.
2. 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**

1. 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.
2. Simultaneous language learners—eligibility should be determined based on the sound development of the languages functionally used before age three.

### **Stuttering**

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

# I(b) – Referrals & Evaluations

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## **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.

## ***LSSP REQUEST FORM***

If a campus at the elementary level requires the services of an LSSP for a student already receiving Special Education Services, the "LSSP Request Form" should be submitted.

Activities that would require LSSP support include:

- Conducting a FBA/BIP
- In-Home Parent Training Evaluation
- MDR
- Threat Assessment for Special Education Student
- Counseling Evaluation

Procedures for LSSP Request Form – for campus:

1. CCC completes the LSSP request form (See Appendix – Section 1).
2. Campus must e-mail LSSP Request Form to Assistant Director of Evaluation & Student Support and the Program Manager of Evaluation & Student Support, with *LSSP Referral form* in the subject line
3. Campus and student schedule should also be attached
4. Once form is received, a LSSP will then be assigned to the requested activity.

# 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

# I(b) – Referrals & Evaluations

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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.

If the parent or guardian requests an IEE, the District may ask for the parent or guardian's reason why she or he objects to the District's evaluation; however, the District may not require the parent or guardian to provide an explanation and may not unreasonably delay either providing the IEE at public expense or filing a due process complaint to request a due process hearing. 34 C.F.R. § 300.502(b)(4)

### **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.

### **Criteria under Which Evaluation Must Be Obtained**

When an IEE is conducted at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria the District uses when it conducts an evaluation, to the extent those criteria are consistent with the parents' right to an IEE.

### **Condition of Payment**

The District will not pay for an IEE if the examiner, the evaluation, and/or the written report, do not meet District criteria and Texas Education Agency criteria for the specific disability evaluated.

### **Reasonable Cost Criteria**

The District will pay a fee for an IEE that allows a parent to choose from among the qualified professionals in the area.

# I(b) – Referrals & Evaluations

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The District will not pay unreasonably excessive fees. An unreasonably excessive fee is one that is 25% or more above the prevailing fees in the area (as established in the Medicaid/ Medicare Service Provider Manual) for the specific test being considered.

When service providers have a sliding scale fee based on parent income, the District will pay the amount charged to the parent.

In the event that a parent pursues an IEE independently, an original billing form must be submitted to the District prior to payment. Before reimbursement or direct payment is authorized, criteria must be met and written report received by the District.

Upon receipt of a request for payment of an unreasonably excessive fee or payment for an IEE which was not agreed upon by the District prior to the evaluation, the District may request a hearing to challenge the right of parents to be reimbursed.

## **Location of the Examiner**

The examiner must be located within 50 miles of the District. This will permit the examiner to be accessible to the District if needed for further consultation.

## **Conditions for Waiver of Cost/Location Criteria**

If a parent feels that an IEE that falls outside the District's cost and location criteria is justified by the child's unique circumstances underlying the request, the District will consider such a request.

## **Certifications and Licenses**

Each IEE examiner must provide copies of his or her license(s) or certificates(s) prior to the completion of the IEE.

## **Conflict of Interest**

The examiner must complete a conflict of interest form provided by the District. Payment will not be made until the district has received the conflict of interest form indicating whether the examiner has a personal monetary interest in any service or program recommended by the examiner.

## **Steps for Making a Request for an IEE**

It is preferred that the parent or guardian make the request in writing to the Assistant Director, Evaluation and Student Support Services. A request in writing is not required as a pre-condition of payment for an IEE, but is preferred in order to minimize any confusion or misinterpretation regarding the nature of the request. If the parent disagrees with the district Full and Individual Evaluation during the ARD meeting, the campus-based evaluator will inform the Program Manager of Evaluation of the request via email. 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.

# I(b) – Referrals & Evaluations

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The District will make the determination if the request for the IEE will be approved, or if not, the District must file a Due Process Hearing to defend the District's FIE.

## **Selection of Examiner**

The District will provide the parent with a list of qualified independent evaluators already located by the District. Parents are free to ask the District to consider an evaluator not on the list to perform the IEE. If the parents select an examiner who is not on the District's list of qualified examiners, they should submit the name and vitae of the examiner in advance of conducting the IEE in order that the District may notify the parents whether the examiner is qualified to perform the IEE. If the parents fail to submit the name and vitae of the examiner prior to conducting the IEE, they risk non-payment if the examiner does not meet the District's criteria.

## **Parent-Initiated IEEs**

The District will not consider a parent request for payment of a parent-initiated IEE unless the request is made within a reasonable time after receipt of the results of the evaluation. A reasonable time is defined as 90 calendar days.

## **Evaluation**

The IEE must be conducted in accordance with all applicable state and federal laws.

## **Teacher Reports**

The examiner must consider data obtained from the student's teacher through consultation with the teacher or teacher reports.

## **Written Reports/Content**

There shall be a written assessment report that addresses, at a minimum, the presence or absence of those symptoms or conditions included in the specific eligibility criteria for the category of disability for which the student is being assessed. The report shall include the type and severity of the impairment and the functional implications for the education process. The report must provide the ARD committee with sufficient information to determine whether the student is disabled and in need of special education services or not.

## **Timeline**

While there is no official timeline for an IEE to be conducted, the completed written report by the qualified examiner will be provided to the District. Upon completion of the IEE, the District will conduct the staffing and ARD within 30 school days.

## **Content of Report**

The report shall include the type and severity of the impairment and the functional implications for the education process. The report must provide the ARD committee with sufficient information to determine whether or not the student is disabled and in need of special education services.

# I(b) – Referrals & Evaluations

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## **Form of Report**

In preparing a report, the examiner shall follow the format for assessment and determination of eligibility used by the District. Forms are available upon request.

## **Signatures on Report**

All persons participating in the examination of the student must sign the report.

## **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.



# I(b) – Referrals & Evaluations

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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 **Initial Evaluations**, the Program Manager or Lead Diag/LSSP/SLP notifies the person who completed the evaluation along with the campus that the Full Individual Evaluation is complete.
6. For **Private School Students**: See information in the Private School / Home School section.
7. For **Students who are DHH**: See information in the Auditory Impairment section.
8. For **Students who are VI**: See information in the Visual Impairment section.

### Timeline for ARD Meeting

1. Within **30 calendar days** of the completion of the student's full initial and individual evaluation report, the student's ARD committee will meet to determine whether the student is eligible for special education and related services and, if the student is determined to be eligible, the ARD committee shall develop the student's individualized education program (IEP). However, if the 30th calendar day falls during the summer and school is not in session, the ARD committee may wait until the first day of the following school year to finalize any decision regarding the student's initial eligibility, IEP and/or educational placement, unless the student's initial evaluation indicates that he or she will need extended school year services during the intervening summer. § 89.1011(d); 34 C.F.R. § 300.306

***If a school district receives written consent signed by a student's parent or legal guardian less than 35 school days before the last instructional day of the school year or if the district receives the written consent at least 35 but fewer than 45 school days before the last instructional day of the school year but the student is absent from school during that period for three or more days, a written report of a full individual and initial evaluation shall be completed no later than the 45<sup>th</sup> school day following the date on which the school district receives signed, parental consent and except that the timeframe can be extended by the number of school days equal to the number of school days during that period that the student was absent. In addition, the Initial ARD meeting must be held within 30 calendar days from the date of the completed report.***