

# Notice of an Educational Evaluation/Reevaluation Plan -Spec. Ed.

## **Points to Remember:**

- 1) The five questions/prompts that have previously been asked and addressed on the Notice of Proposed Action/Denial are now also found on the Notice of an Educational Evaluation/Reevaluation Plan. We must address all five prompts, just as we have to on the Notice of Proposed Action/Denial.
- 2) Indicate if this plan is for an:
  - a. "initial evaluation" or "re-evaluation"
  - b. "comprehensive evaluation" or
    - Functional Behavioral Assessment
    - Transition Assessment
    - Independent Educational Evaluation
    - Other

Occasionally you may indicate "Additional Testing Not Needed"

Enter what information you are using to determine continued eligibility in the previous "Notice Details area." Examples would include "reviewed record for intellectual history," "curriculum based measures for achievement," "review of outside evaluations," etc.

- 3) Last of all parent responses now includes three options instead of two. Respond accordingly for the following responses:
  - a. "I agree with the proposal and I give permission to the school district to proceed."
    - i. Change Plan Status from "Pending" to "Final"
    - ii. Check button "A"
    - iii. Enter date district received permission
    - iv. Enter evaluation date (30 school days later)
    - v. Enter date 2 days prior for staff deadline to enter reports so the person compiling the report (e.g., psychologist or speech language pathologist) may finalize report for staffing
  - b. "I do not agree with the entire proposal and I do not give permission for the school to proceed."
    - i. Change Plan Status from "Pending" to "Not Implemented"
    - ii. Check button "B"
    - iii. Enter date district received signed written notice if default date is incorrect and enter an explanation in "status reason" box. Submit.

- iv. At the top of the page, Change from Active Shown to “Show All” or Show Inactive” at top of page. This allows you to access this form for printing.
  - v. Print the first page of this plan so that “Not Implemented” is noted on the heading, attach it to your hard copy and keep it in the special education file for your records.
  - vi. Contact your special education supervisor immediately to schedule a conciliation conference.
- c. I agree with some proposals and object to the following. There is space provided for the parent to indicate what their objections are.
- i. Change Plan Status from “Pending” to “Not Implemented”
  - ii. Check button “C”
  - iii. Enter date district received signed written notice if default date is incorrect and enter an explanation in “status reason “box. Submit.
  - iv. At the top of the page, Change from Active Shown to “Show All” or Show Inactive” at top of page. This allows you to access this form for printing.
  - v. Print the first page of this plan so that “Not Implemented” is noted on the heading, attach it to your hard copy and keep it in the special education file for your records.
  - vi. Contact your special education supervisor immediately to schedule a conciliation conference.

# Notice Detail Proposals for Evaluation/Re-Evaluation Plan

## Sample Responses

Always think of the parent as you complete the items. Responses should help the parent understand why the evaluation is necessary and reassure them school has done and is doing what is in the best interest of their child. The following are provided as examples to various situations that may arise and are NOT meant to be copied indiscriminately.

### **Proposals:**

#### **1) Describe the action(s) proposed by the district.**

- a. The district is proposing a special education evaluation to determine if Dee is a student with a disability (specify if you suspect a specific disability).
- b. The district has proposed a special education evaluation to determine if Bea is a student with a disability, specifically an Emotional or Behavioral Disorder.
- c. The district is proposing a special education reevaluation to determine if Kay continues to have a disability.
- d. The district's action is to request permission and notify parent(s) that a comprehensive evaluation of Jay's skills and needs will be conducted at school.
- e. The district's action is to request permission and notify parent(s) that an evaluation of Em's behavioral, cognitive, and functional needs will be conducted at school.
- f. The district's action is to request permission and notify parent(s) that an evaluation of Kay's educational and transition needs will be conducted at school.
- g. The district's action is to propose an initial evaluation of your child's developmental functioning in the areas of cognition, communication, physical development, social-emotional development and adaptive development in order to determine if your child is eligible to receive infant and toddler intervention services under Part C of the Individuals with Disabilities Education Act (IDEA).
- h. The district's action is to propose an initial evaluation of your child in order to determine if your child is eligible to receive preschool services under Part B of the Individuals with Disabilities Education Act (IDEA).
- i. The district's action is to request permission to evaluate your child's continued eligibility for special education. Since your child is more than 24 months of age the team will evaluate to determine eligibility for Part B and Part C services. Part C includes services for children up to 35 months of age and Part B includes services for children 36 months through their 7th year of age.

#### **2. Explain why the district proposes this action.**

- a. The classroom teacher had concerns regarding the student's articulation.
- b. Scores on the NWEA demonstrate that the student ranked far below other aged peers.
- c. The student has been suspended 15 times in a three month period for fighting.

- d. This is being done as Kay is due for a three year re-evaluation of her continued need and eligibility for special education services on or before 12/5/08.
- e. Em has encountered growing behavioral difficulties at school, which has recently resulted in a suspension.
- f. The district proposed the evaluation in response to a documented history of discipline referrals that occurred between October, 2004 and March, 2005. The student's discipline report dated March 10, 2005 shows eight referrals for not following rules and directions, three referrals for disrespect, and four referrals for inappropriate behavior/actions. 12 of these violations occurred in other settings within the school. The consequences for these behaviors include eight Remedy Plans, one parent conference, five days of out-of-school suspension, five periods of in-school suspension, and one consequence unknown. On March 20, Jay was removed from his classroom for not following directions and insubordination. This referral resulted in a CPI team escort to the in-school suspension room and a five day suspension. Based on this history of behavioral concerns, the district proposed an evaluation to determine if Jay is a student with a disability.
- g. Jay will turn 14 years of age before his next IEP is due and this information will assist in addressing his needs and goals post graduation.
- h. This is in response to a parent request prompted by Dee's physician.
- i. Your child has received services under Part C (infant/toddler services) for which she is eligible for only until his/her second birthday and it appears that s/he may demonstrate continued developmental delays and qualify for early childhood services. The team will also evaluate his/her eligibility for services under Part B. If eligible for Part B services, your child would then experience no break in services upon her third birthday.

**3. Describe each evaluation procedure, test, record, or report the district used as a basis for the proposed action.**

- a. The district conducted two pre-referral interventions (describe them here and explain that they were not successful).
- b. The student's scores on the (NWEA, MCA, CBM probes, classroom records including grades, attendance, discipline referrals, etc.) indicate needs in the area of (reading, math, written language, behavior).
- c. A review of Kay's special education records. IEP, and Evaluation Report revealed that her last comprehensive evaluation was completed on 12/5/2005.
- d. Since Jay was not identified as a student with a disability at the time of the incident on March 7, 2005, the district considered discipline in keeping with district policy and behavioral guidelines for a regular education student. After a discussion with staff from the "Know-It-All Special Education Cooperative," it was determined that because of Jay's pattern of behavior, the district should rule out the presence of an Emotional or Behavioral Disorder before determining further disciplinary actions.
- e. A review of Em's discipline report reveals she has had repeated difficulty with following directions, conflicts with adults and peers, and is skipping classes. The team conducted a Manifestation Determination Meeting as a result of

Em's recent suspension. Em's behavior was determined to be related to her language processing difficulties hence a functional behavioral assessment must be completed to develop a more effective Behavior Intervention Plan.

- f. Kay's records indicate her birth date is 11/23/96 and her next IEP will need to be re-written by 12/5/08. Kay will turn 14 years of age before her next IEP and transition information will be necessary to address his mandated transition needs on the next IEP.
- g. Dee is reported as not meeting developmental milestones per parent and physician report as well as according to the results of the Denver Developmental Inventory given by Dee's physician. Consistent concerns are noted with motor skills.
- h. A review of progress notes reveals a strong likelihood of continued developmental delays and need for services.

**4. Describe any other options that the district considered and the reasons why those options were proposed.**

- a. The district considered the option of waiting a couple months to more fully observe how Kay functions in her new school, however Kay's last comprehensive evaluation report did not clearly identify her behavioral needs or level of functional skills. Given that Kay's IEP is from North Dakota where she qualified for non-categorical services, it is unclear what Kay's primary disability would be classified as in Minnesota or if her current IEP fully addresses all of her needs. A current comprehensive evaluation would help the IEP team to better address her needs in this new school setting.
- b. The team considered the option of just revising her Behavior Intervention Plan (BIP), however many questions were raised in regard to Em's abilities and limitations. The team considered moving Em to a day treatment program, however it was felt that Em's behavior might change in response to the new setting making it difficult to clearly and reliably identify antecedents and consequences. Furthermore day treatment is a more restrictive setting and may be necessary if an effective BIP can be implemented. Completion of a thorough evaluation generating current information was felt to be helpful in generating a more effective BIP.
- c. The district considered the information provided in the Student Discipline Report dated March 10, 2005, and documented information from the incident that took place on March 7, 2005.
- d. The team considered the option of using informal information presently existing through student interviews and interest inventories. However, this information does not fully address all areas of: post-secondary education, jobs and job training, recreation/leisure, community living skills, and home living skills
- e. The family has explored physical therapy as an option, however do not have long-term coverage. Dee's difficulties appear to be more chronic than transitory warranting further investigation and possibly broader support.
- f. The team considered the option of only evaluating for Part C (infant/toddler services) and not Part B (early childhood services) however your child's needs

appear to be persisting and there could be a break in services as an additional evaluation to determine Part B eligibility would need to be conducted to continue services after your child turns 3 years of age. Combining both evaluations into one prevents any possible break in services.

**5. Description of any other factor(s) affecting the proposal.**

- a. The student has ADHD and distractibility is a factor, therefore testing will be conducted in a quiet place with no distractions and frequent breaks will be provided.
- b. The student is an English language learner and oral comprehension is a factor, therefore an interpreter will be provided and cognitive measures will be nonverbal in nature. Test results will be analyzed to insure cultural and linguistic factors did not significantly impact scores. Parent input will be sought and weighed heavily.
- c. Em's level of cognitive ability is a factor. Staff question where Em's cognitive abilities fall as she functionally operates more capably than her past test results would predict. Em complains by frequently saying, "I don't want to be in class with a bunch of retards." Testing would help staff in determining the most effective school setting to meet Em's needs and minimize behavioral difficulties.
- d. The team felt that information from parents as well as objective transition measures would help to better plan for and address Kay's transition needs, especially in light of the factors of Kay's age and reliability in reporting personal experiences consistent with parent report.
- e. Dee does not yet have a written diagnosis available however a recent evaluation completed at Gillette Hospital resulted in a tentative diagnosis of cerebral palsy per parent report. As a result of this factor of preliminary outside information indicating that Dee may have a handicapping condition, his/her level of need for support needs to be articulated through the early childhood special education assessment team.
- f. The parent has the option of approving only the evaluation for infant/toddler services (Part C) and not approving evaluation early childhood services (Part B). Staff recommends both options be available and the parent is encouraged to check Box C on the permission form if they do not want both parts completed and then indicates their reason in the space provided.
- g. There were no other factors.
- i. There were no other factors that were relevant to the district's evaluation proposal

## **Refusals:**

### **1. Describe the action(s) refused by the district.**

- a. The district does not agree with the parent's action of requesting administration of the WISC:IV to evaluate this student's cognitive abilities.

### **2. Explain why the district refuses to take the action.**

- a. The student has been administered this very test three months ago and professional standards note practice effects can occur when tests are repeatedly administered within a year. The previous report noted the results were valid and the test administered according to standardized procedure. Re-administration at this time may generate inflated and invalid results.

### **3. Describe each evaluation procedure, test, record, or report the district used as a basis for the proposed action.**

- a. The student's school files and psychological evaluation completed by Clara's House was reviewed in addition to district and state criteria for eligibility for special education services and NASP ethical standards of practice.

### **4. Describe any other options that the district considered and the reasons why those options were rejected.**

- a. The district has determined that the WISC:IV is not the only cognitive evaluation completed on this student. Test results are consistent between all cognitive evaluations administered to date. The option of administering another cognitive test battery is unnecessary and would pull the student out of class needlessly.

### **5. Describe any other factor affecting the refusal.**

- a. No other factors were identified.