



REFERRAL AND EVALUATION

Child Find

Each school district within the state must develop procedures which ensure that all students who reside within the district who have a disability and are in need of special education and related services, are identified, located and evaluated. These activities are referred to as “Child Find”.

Child Find requirements include locating:

- Highly mobile students with disabilities (such as migrant and homeless students)
- Students who have been suspended or expelled from school
- Students who have not graduated from high school with a regular high school diploma
- Students who are suspected of being a student with a disability and who are in need of special education and related services, even though they are advancing from grade to grade
- Home school students within the LEA’s boundaries

Child Find may include radio, television and newspaper announcements as well as activities conducted through the school system.

Referral/Request for Evaluation

Referral is the process of making a request to the school that the child be evaluated for special education eligibility and services. Each school district is responsible for establishing and managing the referral system.

Either the parent or school personnel may request that a child be evaluated to see if a student is a student with a disability. Before evaluation can begin, the parent must sign a form giving the school permission to conduct the evaluation.

The LEA must review the existing data including information from the student’s teacher and determine whether there is reason to suspect that the student is eligible for special education and related services. If the data supports that the child has a disability, the child will be evaluated. If the data do not support that the child has a disability, the LEA may refer the student for other regular education services.

If the LEA determines that there is no reason to suspect a disability, the parent must be provided prior written notice.

Possible outcomes of referral are:

- A complete assessment by a multi-disciplinary team; or
- A decision to not proceed with the evaluation.

Referral and Initial Evaluation Requests ~ Tips for Parents

- Ask for the evaluation in writing. Keep a copy of your request.
- Explain your child’s problems and why you think an evaluation is needed.
- Be sure to share important information about your child’s performance and your concerns with the school staff.
- You must give written, informed consent before an evaluation can be obtained.

If your child has special needs, so do you! We can help!

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- If you have other assessment information and/or evaluation reports from other sources, consider sharing that information.
- If you disagree with a decision not to proceed with the evaluation, follow the chain of command and discuss your concerns. You also could consider using any of the dispute resolution resources including requesting a due process hearing.

Evaluation

Evaluation is a structured information gathering process that leads to decisions about classification labels, educational placements, specific interventions and measuring progress.

Gathering information may be done in many different ways and may include various methods, such as:

- Interviews (parent, child or teacher)
- Classroom work samples
- Educational testing and psychological testing
- Observations (classroom, playground at lunch and recess)
- Reports from outside experts (medical, psychological etc.)

Initial Evaluation

After the child is referred, if the LEA agrees to determine whether a child is eligible for special education, an initial evaluation is conducted. Initial evaluation procedures may vary greatly depending on what is appropriate for the child's suspected disability. For more information on what is required for eligibility under each of the 13 disability categories, refer to the Utah Special Education Rules. The eligibility requirements for each category are listed. Following is some general information about initial evaluations.

Response to Intervention (RTI or "Tier Model of Instruction")

Some schools may use a process that assesses the student's response to scientific, research-based intervention as a way to make sure children do not fall behind and to find out which children need more help. In the general education classroom, this may be described as a "tier model of instruction". In some cases when a child does not respond, the school may make a formal referral for additional assessment as part of a special education comprehensive evaluation. For more information on how this works, see page 19 of the Utah State Office of Education Specific Learning Disabilities Guidelines, which may be accessed on the Utah State Office of Education website. The use of an RTI process does not prevent the parent from requesting an initial evaluation at any time in the process.

If a child is struggling in school, it is always a good idea for parents to communicate with the school. Parents should be encouraged to ask questions to help them to understand what the school has already done to help the child and to decide what the next step in getting help for the child might be.

Some Questions Parents Might Ask When A Child Is Struggling In School:

1. What data did the school use to make decisions about classroom interventions?
2. What types of interventions were used or tried?
3. Is the teacher trained in these interventions, and is he or she a highly qualified teacher?
4. Does the principal provide professional development in these areas?
5. What assessments were used? (Visit www.schools.utah.gov and click on the special education link to learn more about assessment.)
6. Was there consistent fidelity in the use of the program and intervention? (Was the program done in a way true to the way it was designed to be used?)
7. What types of screening methods are used to determine progress?
8. Was my child screened and what screening program was used?
9. Does the teacher understand and use a tier model of instruction?

Purpose of an Initial Evaluation (300.301)

The purpose of an initial evaluation is to determine:

- if a child (1)has a disability and (2)needs special education and related services; and
- the educational needs of the child.

Evaluation results are used to develop the content of the student's IEP, including information related to enabling the student to be involved in and progress in the general education curriculum (or for a preschool student, to participate in appropriate activities).

The initial evaluation must be completed within **45 school days** of receiving parental consent for the evaluation.

Legal Requirements for Adequate Evaluation

The initial evaluation must be conducted and eligibility determination completed within forty-five (45) school days of receiving parental consent for the evaluation. (This timeline does not apply to reevaluation. See page 15 for more information.)

In addition, the following are requirements for an adequate evaluation:

1. Written prior notice must be provided to the parent and written consent for testing must be obtained.
2. Tests and evaluation materials must not discriminate against the child based on race or culture.
3. Test and evaluation materials must be given in the child's native language or way of communication and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so.
4. A variety of assessment tools and strategies must be used to gather relevant functional, developmental, and academic information about the student including information provided by the parent.
5. No single procedure may be the only criteria. (More than one procedure must be used.)
6. The child must be assessed in "all areas" related to suspected disability including if appropriate health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.
7. Any change from standard evaluation conditions must be included in the evaluation report.
8. Test and evaluation materials must measure more than just I.Q. The evaluation should clearly measure ability or achievement, not just show the child's impaired skills.
9. School districts must use technically sound evaluation instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. This means the test or evaluation material and procedures must be valid and reliable. (A test is valid if it measures what it's supposed to measure. A test is reliable if the results are consistent and repeatable).
10. Any standardized test must be given by trained and knowledgeable personnel according to the test instructions. The test must be valid for the specific purpose it is used.
11. Assessments and other evaluation materials must include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.
12. Assessments for students with impaired sensory, manual or speaking skills must be selected and administered so as to make sure that the assessment results accurately reflect the student's aptitude or achievement level (or whatever other factors the test says it measures). Make sure the test is not just showing the student's impaired sensory, manual, or speaking skills, unless those skills are the factors that the test says it measures.
13. Assessments of students who transfer from one LEA (school district or charter school) to another in the same school year are coordinated with the prior and new schools.

14. The evaluation must be sufficiently comprehensive to identify all of the student's special education and related services needs, whether or not the needs are commonly linked to the disability category in which the student has been classified.
15. Assessment tools and strategies must provide relevant information that directly assists persons in determining that the educational needs of the student are provided.
16. If the student meets the eligibility criteria for special education, an IEP must be developed by the IEP team within 30 calendar days.

Understanding the Evaluation

It's important to understand tests and other evaluations that were given to your child. Questions parents might ask include:

- What is this test measuring?
- What is 'average' or 'the norm' on this test?
- Where is my child in comparison to the norm? Overall? In the sub-tests?
- What can my child do and not do? What does that mean in terms of how my child learns and teaching my child?
- Did the evaluation assess all areas of educational needs?

Evaluation information is important because it helps you to understand your child's strengths and the concerns you have about your child. Your child's goals and, as a result, the IEP services, will be based on the needs that are identified in the evaluation process.

Reevaluation

At least once every three years or more often if the parent or teacher requests or the conditions warrant, the IEP team (including the parent) must review existing data on the student and input from the student's parents and identify what additional data if any are needed to determine:

- If the child continues to have a disability, and the educational needs of the student
- The present levels of academic achievement and related developmental needs of the student
- Whether the student continues to need special education and related services
- Whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the IEP of the student in order to help the student participate, as appropriate, in the general education curriculum. (300.303)

Parents must give informed consent prior to reevaluation. (§300.300)

The group that reviews the information must have the same make-up as an IEP team. This group includes the parents and may carry out the review without a formal meeting.

The team may decide that no additional data are needed to determine that the child continues to be a child with a disability. If this is the case, an assessment is not needed. The LEA must notify the student's parents of the determination and the reasons for the determination and the right of the parent to request an assessment.

There are additional rules regarding reevaluation in specific situations. These rules can be found in the *Utah Special Education Rules* available at www.schools.utah.gov

Requesting an Independent Educational Evaluation

When You Disagree with the School District's Evaluation

The parents of a student with a disability have a right to obtain an independent educational evaluation of the student at public expense if they "disagree" with the school district's evaluation. The independent evaluation must be conducted by a qualified examiner who is not employed by the school district responsible for the

education of the student. The LEA either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.

School districts must provide information about where an independent educational evaluation may be obtained and the LEA's requirements for independent evaluations.

The school district may begin a due process hearing to show that their evaluation was appropriate. If the final decision shows that the evaluation was appropriate, the parent still has the right to an independent educational evaluation but not at public expense.

When requesting an independent educational evaluation at the school district's expense, parents should:

- Make the request in writing to the principal with a copy to the school district or charter school's Director of Special Education.
- Keep a copy for their records.
- Include in the letter:
 - who the evaluation is for;
 - the reason for the evaluation;
 - the plan for obtaining the independent evaluation; and
 - the understanding that the evaluation is at public expense.

Independent Educational Evaluations Paid By the Parent

If a parent pays for an independent educational evaluation:

- The results must be considered in the evaluation process and in planning the IEP if the independent evaluation meets the standards of the school district.
- The independent educational evaluation may be presented by any party at a due process hearing.

Tips for Parents

When obtaining an independent evaluation, discuss your plans with the school. Ask for information about where to get an evaluation that meets the school district requirements. Remember that some types of evaluation information may not apply to eligibility determination.

The team must consider the results of outside evaluations, but how to use the information is a team decision.

This content is taken from the Utah Parent Center handbook: Parents as Partners in the IEP Process Parent Handbook