

ASSESSMENT POLICY

An individual assessment of the student's educational needs shall be conducted before any action is taken with respect to the initial placement of an individual with exceptional needs in special education. Reassessments must be conducted as specified by law.

Legal Requirements of the Assessment

Once parental consent for the assessment has been obtained, the district responsible for assessment shall distribute a copy of the signed assessment plan to all staff conducting the assessment. Parent consent is not required before reviewing existing data as part of an assessment or reassessment.

All assessments shall be conducted by persons knowledgeable of the suspected disability, including assessment of students with suspected low incidence disabilities and shall be conducted by a multidisciplinary team, when appropriate. Special attention shall be given to each student's unique educational needs, including the need for specialized services, materials, and equipment. Tests and other assessment materials must meet all the following requirements:

- 1) Are selected and administered so as not to be racially, culturally, or sexually discriminatory;
- 2) Are provided and administered in the language and form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is not feasible to do so;
- 3) Are used for the purposes for which the assessments or measures are valid and reliable;
- 4) Are administered by trained and knowledgeable personnel and are administered in accordance with any instructions provided by the producer of the assessments, except that individually administered tests of intellectual or emotional functioning shall be administered by a credentialed school psychologist;
- 5) Include those that are tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient;
- 6) Intelligence tests are NOT administered to African-American students (Larry P vs. Riles, 1979 and Larry P. Task Force Report of 1989); for these students, alternative assessments must be used in place of standardized test designed to yield IQ scores;
- 7) Are selected and administered to best ensure that a test administered to a student with impaired sensory, manual, or speaking skills produces test results that accurately reflect the student's aptitude, achievement level, or any other factors the test purports to measure and not the student's impaired sensory, manual, or speaking skills unless those skills are the factors the test purports to measure.

The student is assessed in all areas related to the suspected disability including, if appropriate, health and development, vision, including low vision, hearing, motor abilities, language function,

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general ability, academic performance, communicative status, self-help, orientation and mobility skills, career and vocational abilities and interests, and social, emotional, and behavioral status. For all initial and triennial reviews, students shall have had a hearing and vision screening unless parent permission was denied. A health and developmental history is obtained, when appropriate.

In addition to assessing all areas related to the suspected disability, assessment should include reviewing the student's strengths; conducting an observation of the student in the classroom, or an age appropriate setting if the student is 3 to 5 years old; and reviewing and considering information provided by the parent, including any independent assessments.

No single measure or assessment is used as the sole criterion for determining whether a student is an individual with exceptional needs or determining an appropriate educational program for a student. Screening or observation by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an assessment for eligibility for special education and related services. A screening includes basic tests or procedures used for all children in a school, grade, or class. Mass screenings used in connection with child find activities are not considered evaluations and thus do not require prior parental notice and consent.

Reassessment

A reassessment of the student shall be conducted not more frequently than once a year, unless the parent and LEA agree otherwise and at least once every three years, unless the parent and LEA agree in writing that a reassessment is not necessary. The purpose of the reassessment is to determine if the student continues to be a student with exceptional needs and if so, whether additions or modifications to the IEP are needed to enable the student to meet his/her annual goals. A triennial reevaluation must be conducted on or before the calendar date that is three years from the initial IEP meeting or previous triennial IEP meeting. Additional data obtained through full standardized testing is often not necessary for reassessment. An assessment report containing all of the required components must be completed to document the data that was reviewed and continuing eligibility.

A student must be reassessed before determining that he or she is no longer a student with a disability except when termination of eligibility is due to graduation from secondary school with a regular diploma, or to exceeding age eligibility under State law. In such cases, the LEA must provide the student with a summary of the child's academic achievement and functional performance including recommendations on how to assist the student in meeting the student's post-secondary goals.

As part of the reassessment, the IEP team must review the following;

- 1) Existing records and assessment data;
- 2) Current classroom performance;
- 3) Information provided by the parent; and

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- 4) Teachers' and related service providers' observations.

If, following this review, it is believed that no additional assessment data are needed to determine continuing eligibility; the case manager shall document this determination using SELPA-approved forms and present them to the parents. In these forms, the parents are informed that they have the right to request additional assessment. If the parents agree with the IEP team's findings and do not request additional assessment data, no additional assessment data needs to be gathered. The relevant notices and forms must be given to the parents early enough to complete a full assessment, if parents request it, before the IEP meeting due date.

If the IEP team determines that additional assessment data is needed or the parent requests additional data, the legal requirements for conducting assessments as outlined previously in this procedure must be followed.

Parent consent to conduct a reassessment is not required if the LEA can demonstrate that it has taken reasonable measures to obtain consent and the parent has failed to respond.

Preschool to Kindergarten or First Grade Transition Assessment

Preschool children identified as individuals with exceptional needs must be re-assessed prior to transitioning from a preschool program to kindergarten or first grade. This reassessment may include standardized testing; criterion referenced testing, observation and/or review of records. Personnel providing special education services to the child are responsible for completing this reassessment and writing a summary report. The intent is to ensure that that gains made by the student through special education services are not lost by too rapid of a removal from these services.

In preparation for the transition into kindergarten or first grade, the IEP team needs to conduct a reassessment. A reassessment may be a review of student records if all necessary information is current and available. The assessment should be completed by the appropriate staff in advance of the transition to kindergarten or first grade meeting.

Whenever possible, the transition meeting should include a kindergarten or first grade teacher to ensure that a smooth transition occurs. As part of the transition process a means of monitoring continued success of the child shall be identified by the IEP team for those children of kindergarten or first grade who are determined to be eligible for less intensive special education services.

Eligibility Criteria

To qualify for special education and related services under the IDEA, Part B, a student must be between the ages of three and 21 years and be determined by an IEP team to meet the definition of one or more of the categories of disability specified under the IDEA (described below). Additionally, the student must require special education and related services as result of his or her disability or disabilities.

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The implementing federal regulations of IDEA 2004 further state that a child shall not be determined to be a child with a disability if the “determinant factor” is a “lack of appropriate instruction in reading, including the essential components of reading instruction as defined in the No Child Left Behind Act (NCLB). NCLB defines the term “essential components of reading instruction” to include: 1) Explicit and systematic instruction in phonemic awareness; 2) Phonics; 3) Vocabulary development; 4) Reading fluency, including oral reading skills; and 5) Reading comprehension strategies. IDEA 2004 retained the previous law’s exclusion from eligibility for determinant factors of limited English proficiency and lack of instruction in math.

Citations: (E.C. § 56320(a)-(d)) (E.C. § 56320(e)-(f)) (E.C. § 56329(a)(3)) (E.C. §56381(a)(1)-(2)). (E.C. § 56381(b)(1)) (34 C.F.R. § 300.300(c)(2)) (E.C. § 56327(a)-(h)) (E.C. §56329(a)(3)) (E.C. § 56026(a)-(c)(3)-(4)) (5 C.C.R. § 3030(g)) (5 C.C.R. § 3030(i); Identification and Assessment of the Seriously Emotionally Disturbed Child, CDE, 1986) (5 C.C.R. § 3030(b)) (5 C.C.R. § 3030(a)) (5 C.C.R. § 3030(h)) (5 C.C.R. § 3030(c) and E.C. § 56333) (34 C.F.R. 300.8(c)(7)) (5 C.C.R. § 3030(f)) (5 C.C.R. § 3030(e)) (5 C.C.R. § 3030(j); E.C. § 56337; 34 C.F.R. § 300.8(c)(10); and 34 C.F.R. § 300.309(a)(1-3)) (34 C.F.R. 300.8(c)(12)) (5 C.C.R. § 3030(d) and E.C. § 563500)