

Reevaluations: Tips for Continuing Special Education Eligibility

Winter 2022 Webinar Series

Accessing Special Education: Evaluation & Eligibility Basics

March 1, 2022



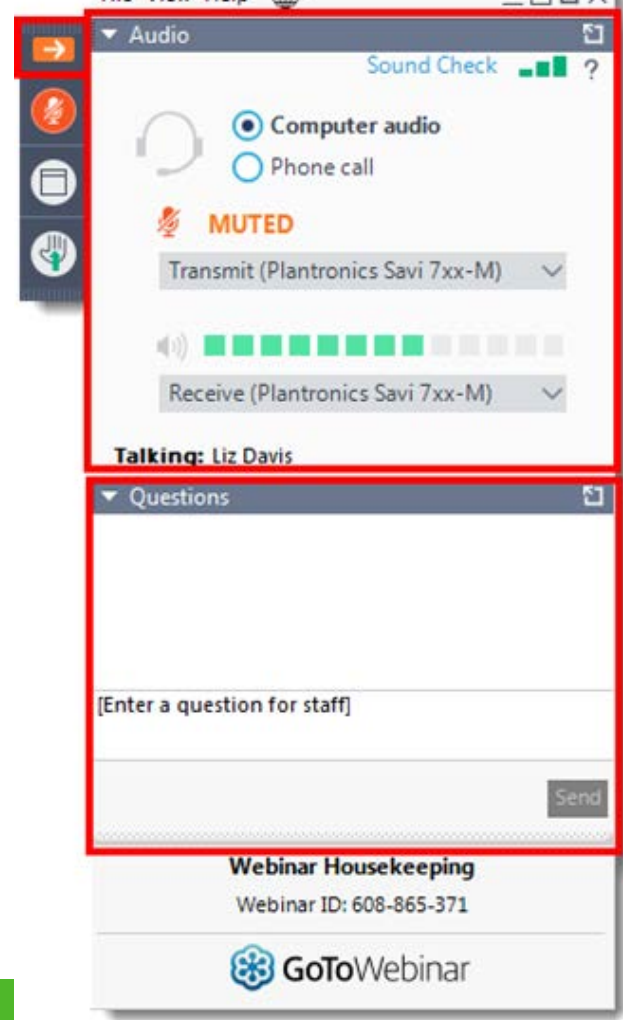
Kelly Henderson, Ph.D.

www.FormedFamiliesForward.org

FORMED FAMILIES **FORWARD**

Housekeeping

- Use **Questions** pod to pose questions and comment; others will not see your questions/comments.
- Download handouts from HANDOUTS pod.
- All recordings, slides and handouts will be on FFF website under RESOURCES: WEBINARS by Thursday.
- Email info@formedfamiliesforward.org if you need certificate of attendance



Formed Families Forward - who we are...

- A family-led resource center in Northern Virginia supporting foster, adoptive and kinship families who are raising children, youth & young adults with special needs, and professionals who work with our families.
- We offer free training, consultations to families, events, resources, and systems navigation. Also - peer support groups; webinars; virtual trainings; Directory; videos and other resources.
- Family partner to Va Tiered Systems of Supports (VTSS; a VDOE project)

Renee.Myers@formedfamiliesforward.org

Kelly.Henderson@formedfamiliesforward.org

Accessing Special Education Series

February 22- The Special Education Evaluation Process

March 1- Reevaluations: Tips for Continuing Special Education Eligibility

March 8- Special Education for Formed Families: Making It Work!

March 15- Connecting to Special Education Services for Military Families Formed Through Adoption, Kinship Care and Foster Care



**ACCESSING
SPECIAL
EDUCATION:
EVALUATION &
ELIGIBILITY
BASICS**

WEBINAR SERIES

POLL 1

What's your role(s):

- Adoptive parent
- Kinship caregiver
- Foster or resource parent
- Professional
- Birth parent

Chat in any additional roles (in Questions box)

Reevaluation

- Why?
- When?
- Who is involved?
- What should parents and caregivers know and do?



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What is Special Education?

A program of specialized educational services provided to students with disabilities



Individuals with Disabilities Education Act - IDEA

- ★ Federal legislation
- ★ Implemented through state regulations
- ★ Guarantees special education to eligible children with disabilities



IDEA Legislation Guarantees:



- ★ Free and Appropriate Public Education (FAPE)
- ★ Specially designed instruction to meet the unique needs of a child with disabilities
- ★ Placement in the least restrictive environment
- ★ Parent* participation in educational planning

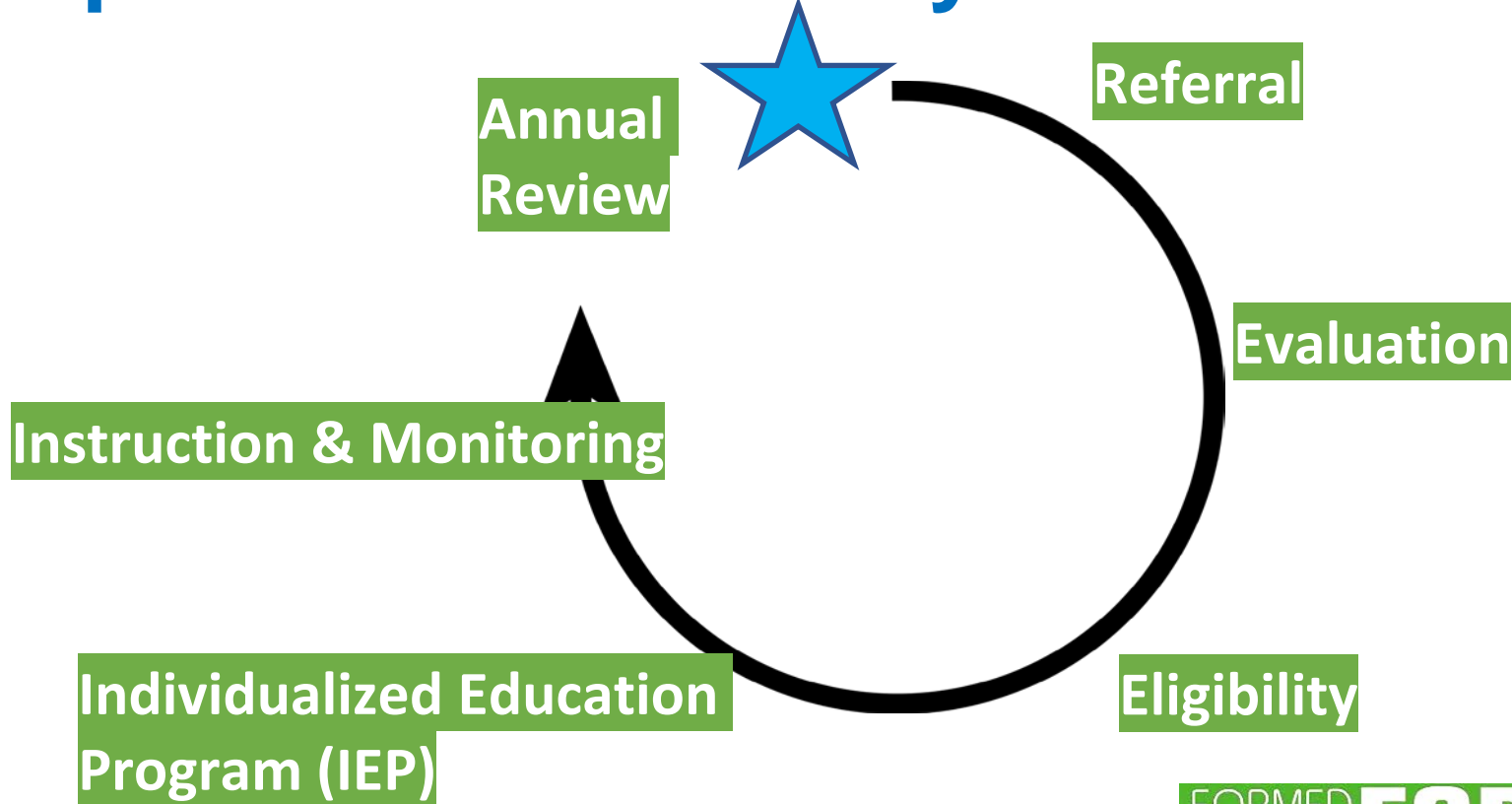
“Parent” is an inclusive term

Who gets Special Education Services?

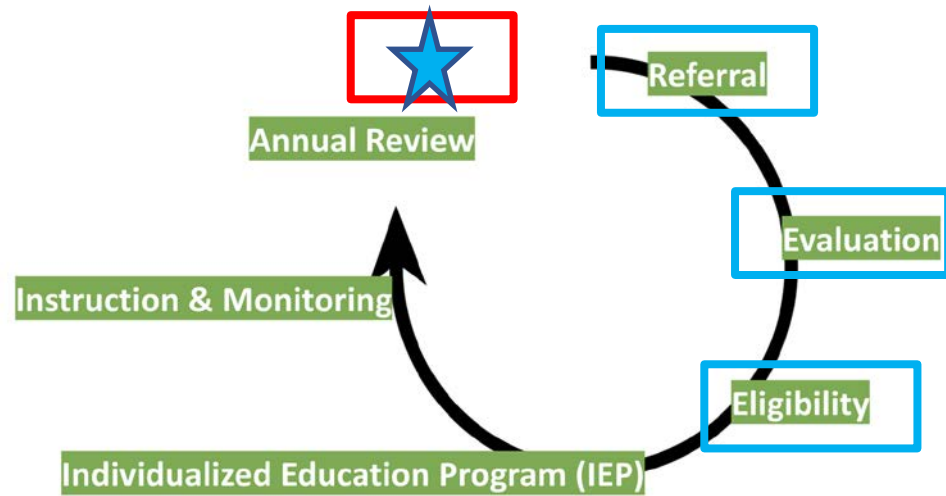
- ★ **Qualify** through an evaluation and eligibility process
- ★ Must meet criteria for one of the Federal Disability Categories
- ★ Must demonstrate a need for special education & related services



Special Education Cycle



What is involved in an Evaluation?



- Information is used to determine eligibility
- There is no cost to the family
- Parents/caregivers are team members
- Evaluations complete and decisions made within 65 days of referral
- Written report available 2 days in advance of meeting

Why Reevaluate?

Answer: **Does this child continue to be an eligible “Child with a Disability”?**

4 main steps:

- 1) Review of existing evaluation data
- 2) Determine what additional data, if any, are needed
- 3) Collect data
- 4) Team determines continued or new eligibility

When Reevaluate?

- 1) If school determines that the child's educational or related services needs, including improved academic achievement and functional performance, warrants a reevaluation;
- 2) If the child's parent(s) or teacher requests a reevaluation; or
- 3) At least **once every three years**, unless the parent and school agree that a reevaluation is unnecessary.

School shall not conduct a reevaluation **more than once a year** unless the family and school agree otherwise. If school does not agree with family's request for a reevaluation, school must give family **prior written notice**.

POLL 2

If you are parenting and working with a child with an IEP, describe your experience with reevaluation (all that apply):

- Child has been through initial but not reevaluation yet.
- Child was reevaluated and kept same category.
- Child was reevaluated and eligible for different category.
- Child was reevaluated and found NOT eligible.
- No experience with initial or reevaluation (yet!).

Timelines

- Reevaluation process, including eligibility determination, to be “initiated in sufficient time to complete the process prior to the third anniversary of the date eligibility was last determined”.
- If a not a triennial, reevaluation completed in 65 business days of the receipt of the referral by school.
- Family and school may agree to extend the 65-day timeline to obtain additional data that cannot be obtained within the 65 business days.

Who?

- Group = same individuals as an IEP team and other qualified professionals, as appropriate



Step 1- Review existing evaluation data

Review existing evaluation data including:

- (1) Evaluations and information provided by the family
- (2) Current classroom-based, local, or state assessments and classroom-based observations; and
- (3) Observations by teachers and related services providers

Review of Data without a Meeting

- The group completing the review may conduct its review without a meeting.
- School must give notice to ensure that the family has the opportunity to participate in the review.
- If there is a meeting, the school must give notice of the meeting early enough to ensure that the family will have an opportunity to participate.

5 Points to Consider in Review of Data

- 1) Does child continue to be an eligible “Child with a Disability”;
- 2) The present educational needs;
- 3) The present level of academic achievement and related developmental needs;
- 4) Whether the child needs or continues to need special education and related services; **and**
- 5) Whether any additions or modifications to the special education and related services are needed.

If Additional Data are NOT needed

- The team and other qualified professionals can decide **no additional data** are needed to determine continued eligibility
- School must provide family with prior written notice, that lays out why, and statement of the right to request an evaluation
- School is not required to conduct the evaluation “to gather additional information to determine whether the child continues to have a disability and to determine the child’s educational needs”, unless family requests the evaluation for these specific purposes.

Step 2 - Determine what Additional Data, if any, are needed



Areas of Evaluation



- **Educational Assessment**

- Determines achievement in reading, writing, and math
- Completed by a special educator
- Includes:
 - Individually administered, standardized tests of reading, writing, & math (ie. Woodcock Johnson Tests of Achievement)
 - Classroom based assessments
 - School/system wide measures (i.e., SOLs, PALS)

Areas of Evaluation



- **Psychological Assessment**

- Determines general ability and specific strengths and weaknesses
- Completed by a school psychologist
- Includes:
 - Individually administered, standardized test of intelligence
 - Tests of processing skills
 - Rating Scales of social-emotional, behavioral and/or adaptive functioning
 - Observations
 - Interviews

More Areas of Evaluation

- **Speech/Language** Assessment
- **Vision Screening**
- **Medical Report** completed by a licensed physician
- **Occupational Therapy** Assessment
- **Physical Therapy** Assessment
- **Functional Vision** Assessment
- **Observation** (consent required for initial evaluations only)
- **Sociocultural**
- **Hearing** (required only in initial unless there is a need)

Consent

- Informed parental consent required before any reevaluation
- If school demonstrates it has taken reasonable measures to obtain consent and family failed to respond, school can proceed with evaluation.
- Reasonable measures include providing notice to the parent(s) in writing (or by phone or in person with proper documentation).
- If family refuses consent, the local educational agency may continue to pursue those evaluations by using due process or mediation procedures. The school may decline to pursue the reevaluation.

Consent Not Required when...

1. Review of **existing data** as part of an evaluation or reevaluation;
2. Teacher's or related service provider's **observations** or ongoing classroom evaluations; or
3. Administering a test or other evaluation that is administered to **all children** that does not require consent

Step 3- Collect data

Assessments and other evaluation materials must:

- use a **variety** of assessment tools and strategies including information provided by the family;
- in the child's **native language** and “in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, & functionally, **unless it is clearly not feasible to do so**; “
- **not be discriminatory** on a racial or cultural basis;
- Used for **valid and reliable** purposes; and
- Administered by **trained and knowledgeable** personnel

Other Assessment Considerations

- If an assessment is **not conducted under standard conditions**, a description of the extent to which it varied from standard conditions) shall be included in report.
- Any **nonstandardized assessment** administered by qualified personnel may be used to assist in determining whether the child is a child with a disability and the contents of the child's IEP.
- For a child with **impaired sensory, motor, or communication skills**, the assessment is selected and administered to give results accurately reflect the child's aptitude or achievement level rather than reflecting the child's impaired sensory, motor, or communication skills.

MORE Other Assessment Considerations

- Sufficiently **comprehensive to identify all** of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.
- **No single measure** is used as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for a child.
- If the evaluation requires assessments in more than one area relating to the suspected disability, **a group of persons**, including at least one teacher or other specialist with knowledge in the area of the suspected disability, shall complete the assessments.

Reevaluation Report(s)

- Available to the family **at least two business days** before the meeting to determine eligibility. Report provided at **no cost**.
- A **written copy of the final evaluation** report should be available to family before or at the eligibility group meeting or immediately following the meeting, but no later than 10 days after the meeting.
- If child **moves from one district to another**, assessments in the same school year “shall be coordinated with those children’s prior and subsequent schools, as necessary and as expeditiously as possible.”

Independent Educational Evaluation

- If parents disagree with a test given during their child's evaluation process, they have the right to request an **independent educational evaluation (IEE)** conducted by a qualified person who does not work for the school.
- Parents may request that the school pay for the IEE. However, the school may ask for a due process hearing to show that its initial evaluation is appropriate.
- Even if it is decided that the school does not have to pay for it, parents have the right to an IEE.
- If parents pay for the IEE, they determine whether or not to share the information in the IEE with the school.

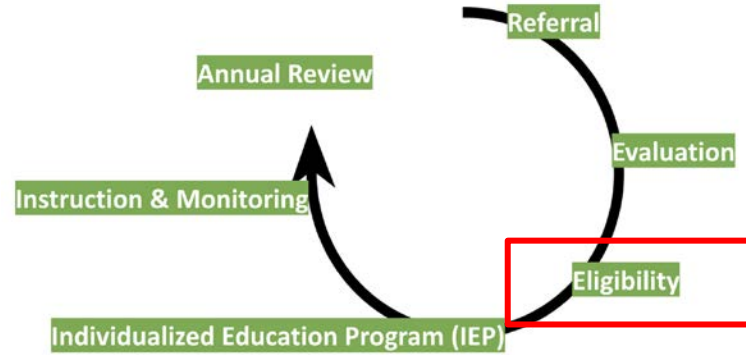
Step 4 – Determination of Continued or New Eligibility

- Same process as initial evaluation
- Must review criteria for each potential category



Eligibility

- Child must be identified under one or more categories to receive special education and related services under IDEA
- Definitions of **each category** are available in regulations: 8VAC20-81-80. *Eligibility (J) through (W)*



Disability Categories Under IDEA

Children with:

- Autism
- Deafness
- Deaf-blindness
- Developmental delay *
- Emotional disability
- Hearing impairment, including deafness
- Intellectual disability
- Multiple disability
- Orthopedic impairment
- Other health impairment, including ADHD
- Specific learning disability
- Speech or language impairment
- Traumatic brain injury
- Visual impairment, including blindness



* Use of DD for children age 3 through 9 is at discretion of state and local school systems.

POLL 3

Under which categories has child in your care been identified?

- Developmental Delay (DD)
- Learning Disabilities (LD)
- Autism or Intellectual Disabilities
- Other Health Impairments (OHI)
- Emotional Disability (ED)

Developmental Delay in Virginia

- District does NOT have to use Developmental Delay as a category.
- If used, it can be considered as disability category when determining whether a preschool child, aged **two** by September 30 to **six**, inclusive.
- Before or during school year the child turns 6, eligibility must be reconsidered.
- If child meets other category criteria, DD does not have to be used ages 2-6.

ARLINGTON PUBLIC SCHOOLS
BASIS FOR ELIGIBILITY DETERMINATION

Name:		School:
ID#:	DOB:	Date of Eligibility:

OTHER HEALTH IMPAIRMENT

DEFINITION

Other health impairment means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that (i) is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and, (ii) adversely affects a child's educational performance.

CRITERIA

A child with an other health impairment who requires special education and related services will meet ALL of the following criteria. In interpreting evaluation data, the committee must document and carefully consider information from a variety of sources. For each criterion indicate **Yes** or **No** and provide additional information as appropriate.

Yes No

1. Impairment

The student has limited strength, vitality or alertness, including a heightened alertness to environmental stimuli that results in limited alertness due to a documented chronic or acute health problem.

Specify chronic or acute health condition and reference documentation:

There is documentation of an Other Health Impairment. The effect of the Other Health Impairment limits are identified and impacts the students in the area of (check all that apply):

- Strength
- Vitality
- Alertness (including heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment)

Yes No

2. Educational Impact

The disability adversely affects the child's educational performance. Document the areas where the disability and not other factors negatively impacts a child's academic and/or functional performance as compared to average same-aged students.

Describe the impacted academic/functional performance:

Yes No

3. Observation

The committee considered the relevant behavior noted during the classroom observation and the relationship of that behavior to the child's academic functioning. Note relevant behavior, if any:

Yes No

4. Medical Findings

The committee considered educationally relevant medical findings if any. Note educationally relevant medical findings, if any:

Yes No

5. Exclusionary Factors

A. Lack of appropriate instruction in reading including the essential components of reading instruction (phonemic awareness; phonics; vocabulary development; reading fluency, including oral reading skills; and reading comprehension strategies) has been ruled out as the determinant factor in the eligibility decision.

Yes No

B. Lack of appropriate instruction in math has been ruled out as the determinant factor in the eligibility decision.

Yes No

C. Limited English proficiency has been ruled out as the determinant factor in the eligibility decision.

Sample Eligibility Worksheet

Yes No

Need for Special Education

Specially designed instruction means adapting, as appropriate to the needs of an eligible child, the content, methodology, or delivery of instruction to address the unique needs of the child that result from their disability and to ensure access of the child to the general curriculum, so that the child can meet the educational standards that apply to all children within APS. Specify/Describe:

ELIGIBILITY DETERMINATION

The disability criteria for **other health impairment** have been met and the child needs special education and related services.

The disability criteria for **other health impairment** have NOT been met.

Should I be concerned with the label?

Special education labels are a means to meeting the purpose of ensuring educational success.

- Provides specially designed instruction in line with the student's unique needs
- Reduces barriers to learning (accommodations, supplementary aids & services, adaptive devices)
- Allows child to meet full potential (achieve goals, pursue degrees, attain careers)



Considerations

- 3 years is a minimal; families can request an evaluation sooner than the “triennial”.
- Use Independent Educational Evaluation, as needed for unique circumstances.
- For older youth, carefully consider timing for last school-completed evaluation.

What if I disagree with the decision?

Options for Dispute Resolution:

- Informal resolution
- Complaint to State VDOE
- Mediation (no cost to family)
- Due Process Hearing



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