

Sec. 1. IDEA EVALUATIONS AND REEVALUATIONS

An evaluation under the IDEA is the collection of information to determine whether a student is a student with a disability, and to determine the educational needs of the student. International Leadership of Texas must complete a Review of Existing Evaluation Data (REED) before conducting an initial evaluation of a student, if appropriate, and as part of any reevaluation; provide the parent with a Prior Written Notice regarding the evaluation; and comply with the parental consent requirements. *See REED section below.*

Sec. 2. REVIEW OF EXISTING EVALUATION DATA (REED)

A review of existing evaluation data (“REED”) is required as part of an initial evaluation, if appropriate, and as part of any reevaluation. The REED must be conducted by the ARD Committee members and other qualified professionals, as appropriate. The ARD Committee members may conduct the REED without a meeting.

In conducting the REED, the ARD Committee must review:

- (1) evaluation and information provided by the parents of the student;
- (2) current classroom-based, local, or state assessments, and classroom-based observations; and
- (3) observations by teachers and related services providers.

On the basis of the REED, and input from the student's parents, the ARD Committee must identify what additional data, if any, are needed to determine:

- whether the student is a student with a disability, and the educational needs of the student, or, in the case of a reevaluation of the student, whether the student continues to have such a disability and the educational needs of the student;
- whether the student needs special education and related services, or, in the case of a reevaluation of the student, whether the student continues to need special education and related services;
- the present levels of academic achievement and related developmental needs of the student; and
- 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 individualized education program of the student and to participate, as appropriate, in the general education curriculum.

If the ARD Committee determines additional data is needed, International Leadership of Texas must administer such assessments and other evaluation measures that are needed to produce the data needed. If the ARD Committee determines no additional data is needed, International Leadership of Texas must notify the student’s parents of that determination, the reasons for such determination, and notify the parents of their right to request an evaluation. International

Leadership of Texas is not required to conduct an evaluation unless the student's parents request one.

34 CFR 300.305(a)-(d).

Sec. 3. GROUP OF QUALIFIED PROFESSIONALS

The evaluation is conducted by a multi-disciplinary team of qualified professionals. Upon completion of the administration of assessment and other evaluation measures by the evaluators, a group of qualified professionals and the parent of the child determines whether the child is a child with a disability and the educational needs of the child. In Texas, the group of qualified professionals that makes this determination is the student's ARD Committee. The team of qualified professionals, or the ARD Committee, that collects or reviews evaluation data in connection with the determination of eligibility must include, but is not limited to, a LSSP/School Psychologist, an educational diagnostician, or other appropriately certified or licensed practitioner with experience and training in the area of the disability; or a licensed or certified professional for a specific eligibility category. *See 19 TAC 89.1040.*

For students suspected of having dyslexia or related disorders, the multidisciplinary team conducting the evaluation under the IDEA will include at least one member with specific knowledge regarding the reading process, dyslexia and related disorders, and dyslexia instruction. This individual will either:

- (1) hold a licensed dyslexia therapist license under Chapter 403 of the Texas Occupations Code;
- (2) hold the most advanced dyslexia-related certification issued by an association recognized by the State Board of Education, and identified in, or substantially similar to an association identified in, the program and rules adopted under Sections 7.102 and 38.003 of the Texas Education Code; or
- (3) if an individual qualified under (1) or (2) is not available, the member will meet the applicable training requirements adopted by the State Board of Education pursuant to Sections 7.102 and 38.003 of the Texas Education Code.

Sec. 4. INITIAL EVALUATIONS

International Leadership of Texas must conduct a full and individual initial evaluation (FIIE) before providing special education and related services to a student with a disability. *34 CFR 300.301(a)*. The initial evaluation must consist of procedures to determine whether the student is a student with a disability; and the educational needs of the student. *34 CFR 300.301(c)(2); 300.8(a)(1)*.

Sec. 5. TIMELINE FOR CONDUCTING INITIAL EVALUATIONS

A written report of an initial evaluation must normally be completed:

- Not later than the 45th school day following the date on which International Leadership of Texas received written consent for the evaluation from the student's parent. If a student has been absent from school during that period on three or more school days, the period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent; or
- For students under five years of age by September 1 of the school year and not enrolled in public school, not later than the 45th school day following the date on which International Leadership of Texas received written consent for the evaluation from the student's parent.

However, if International Leadership of Texas received written parent consent at least 35, but less than 45, school days before the last instructional day of the school year:

- the written report of the FIIE must be provided to the student's parent not later than June 30 of that year; or
- If the student was absent from school during that time three or more days, the written report of the FIIE must be completed not later than the 45th school day following the date on which consent was received plus the number of school days the student was absent.

If International Leadership of Texas received written parent consent less than 35 school days before the last day of the school year, the written report of the FIIE must be provided to the parent:

- Not later than the 45th school day following the date on which International Leadership of Texas received written consent for the evaluation from the student's parent. If a student has been absent from school during that period on three or more school days, the period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent.

International Leadership of Texas must provide the parent a written copy of the initial FIE as soon as possible after completion of the report, but no later than five school days prior to the initial ARD Committee meeting in which a determination of initial eligibility will be discussed; or not later than June 30 if the consent was received at least 35 but less than 45 school days before the last instruction day of the school year.

In determining evaluation timelines, a "school day" does not include a day that falls after the last instructional day of the spring school term and before the first instructional day of the subsequent fall term. For purposes of evaluation timelines, a student is considered absent for the school day if the student is not in attendance at the school's official attendance taking time or alternative

attendance taking time as described in the *Student Attendance Accounting Handbook*.

If the student was in the process of being evaluated for special education eligibility by another district and enrolls in International Leadership of Texas before the previous district completes the initial evaluation, International Leadership of Texas must coordinate with the previous district as necessary and as expeditiously as possible to ensure a prompt completion of the evaluation.

Following the completion of the initial evaluation, the ARD committee must make its decisions regarding a student's initial eligibility determination and, if appropriate, IEP and placement within 30 calendar days from the date of completion of the written FIIE report. If the 30th day falls during the summer and school is not in session, the student's ARD committee must meet not later than the 15th school day of the following school year to finalize decisions concerning the student's initial eligibility determination, and, if appropriate IEP and placement. If the 30th day falls during the summer, but an FIIE report indicates that the student would need extended school year services (ESY) during the summer, the ARD committee must meet as expeditiously as possible after completion of the report. *19 TAC 89.1011; Tex. Educ. Code § 29.004*

Sec. 6. REEVALUATIONS

International Leadership of Texas will complete a reevaluation of a student with a disability:

- if the student's ARD Committee determines that the educational or related services needs of the student warrant a reevaluation, including improved academic achievement and functional performance;
- if a reevaluation is requested by the student's parents or teacher; or
- before determining that the student is no longer a student with a disability.

34 CFR 300.303(a), 300.305(e).

A reevaluation must occur not more frequently than once a year, unless the parent and the ARD Committee, through the REED, agree otherwise, and at least every three years, unless the parent and the ARD Committee, through the REED, agree that a reevaluation is unnecessary. *34 CFR 300.303(b).*

Sec. 7. EVALUATION PROCEDURES

When conducting the evaluation, International Leadership of Texas must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, including information provided by the parent, that may assist in determining:

- Whether the student is a student with a disability; and
- 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 the preschool

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student, to participate in appropriate activities.

In conducting the evaluation, International Leadership of Texas must not use any single measure or assessment as the sole criterion for determining whether the student is a student with a disability and for determining an appropriate educational program for the child; and use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. *34 CFR 300.304.*

International Leadership of Texas will also ensure that assessments and other evaluation materials used to assess the student are:

- selected and administered so as not to be discriminatory on a racial or cultural basis;
- provided and administered in the child's native language or other mode of communication; and in the 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 so provide or administer;
- used for the purposes for which the assessments or measures are valid and reliable;
- administered by trained and knowledgeable personnel; and
- administered in accordance with any instructions provided by the producer of the assessments.

34 CFR 300.304 (c).

International Leadership of Texas also ensures that:

- assessments and other evaluation materials include those tailored to assess areas of educational need and not merely those that are designed to provide a single general intelligence quota;
- assessments are selected and administered so as to best ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment results 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 factors that the test purports to measure);
- assessment tools and strategies will be provided that elicit relevant information that directly assists persons in determining the education needs of the child; and
- it implements assessment procedures that differentiate between language proficiency and disability.

International Leadership of Texas also ensures that the student will be assessed in all areas of suspected disability, including, if appropriate:

- Health;

- Vision;
- Hearing;
- Social and emotional status;
- General intelligence;
- Academic performance;
- Communicative status and
- Motor abilities.

The evaluation will also be sufficiently comprehensive to identify all the student's special education and related service needs, whether or not commonly linked to the disability category in which the student has been classified.

34 CFR 300.304

Sec. 8. INDEPENDENT EDUCATIONAL EVALUATION (IEE)

A parent of a student with a disability has the right to an independent educational evaluation (“IEE”) of the student at public expense if the parent disagrees with an evaluation conducted by International Leadership of Texas. An IEE is an evaluation conducted by a qualified examiner who is not employed by International Leadership of Texas. An evaluation is at public expense when International Leadership of Texas either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent consistent with the provisions of the IDEA. A parent is limited to only one IEE at public expense each time International Leadership of Texas conducts an evaluation with which the parent disagrees.

If a parent requests an IEE, International Leadership of Texas will, without unnecessary delay either file a due process complaint to request a hearing to show that its evaluation is appropriate or ensure that an IEE is provided at public expense, unless International Leadership of Texas demonstrates in a due process hearing that the evaluation obtained by the parent does not meet International Leadership of Texas’s criteria.

International Leadership of Texas may ask for the reason the parent objects to the International Leadership of Texas’s evaluation; however, International Leadership of Texas may not require the parent to provide an explanation. International Leadership of Texas will not unreasonably delay either granting the IEE request or filing a due process complaint to request a due process hearing to defend International Leadership of Texas’s evaluation.

When the parent requests an IEE, International Leadership of Texas will provide information about where an IEE may be obtained and International Leadership of Texas’s criteria for an IEE. International Leadership of Texas’s criteria for an IEE is the same criteria International Leadership of Texas uses when it initiates an evaluation, including the location of the evaluation and the qualifications of the examiner(s).

If International Leadership of Texas decides to request a due process hearing instead of agreeing to pay for an IEE and the hearing officer finds that International Leadership of Texas’s evaluation

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is appropriate, the parent still has a right to an IEE, but not at public expense. The parent would have to pay for the IEE. If in a due process hearing, the hearing officer orders an IEE, International Leadership of Texas must pay for the evaluation.

The results of an IEE that meets International Leadership of Texas's criteria must be considered by the ARD Committee in any decision made regarding the provision of FAPE to the student and may be presented by any party as evidence at a hearing on a due process complaint regarding the student.

34 CFR 300.502.