



# **BUREAU OF INDIAN EDUCATION**

*Doing What's Best for Students!*



## **State Performance Plan/Annual Performance Report (SPP/APR) Indicator 11 – Timely Evaluation**

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**Presenters:**

**Narcy Ka'Won and Zonnie Sombrero**

**April 17, 2018**

# PRESENTERS

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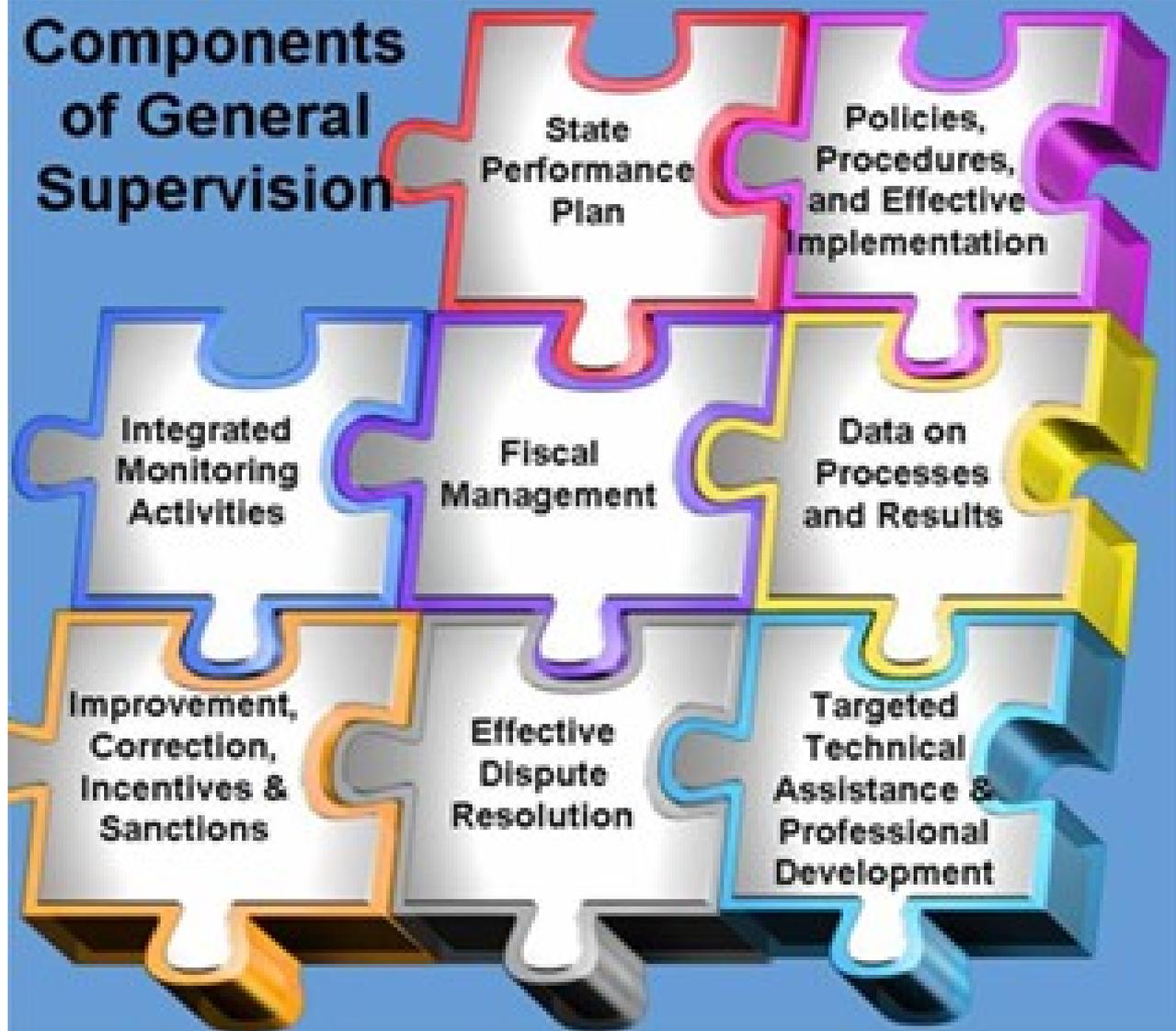
928-283-2208



# OBJECTIVES

- ❖ To provide schools knowledge of the requirements of: General Supervision Indicator 11 – Timely Initial Evaluations for SY2017-18
- ❖ To learn the process for completing the Desk Audit form for SY2017-18
  - ❖ How to an print an AdHoc Report in NASIS
  - ❖ How to complete the Desk Audit form with Reason Codes
  - ❖ To upload the signed Parent Consent to Evaluate
  - ❖ To upload the signed Determination of Eligibility

# Components of General Supervision



# COMPLIANCE REQUIREMENT

- General Supervision Part B/Child Find
  - Percent of children who were evaluated within 60 days of receiving parent consent for initial evaluation to be conducted within the required timeframe
- The initial evaluation must be conducted **within 60 calendar days** of receiving parental consent. 20 U.S.C.1414(a)(1)(C), 34 C.F.R. 300.301(c).
- The BIE uses the Eligibility Determination date as the completion of the evaluation process.

# COMPLIANCE TARGET

**Measurable and Rigorous Target**

**100%**

# DATA SUBMITTED TO OFFICE OF SPECIAL EDUCATION PROGRAMS/DEPT. OF EDUCATION

SCHOOL NAME	Total	Pending	60 Days over	Parent -1	Transfer-2	Grand Total	Docs Scanned	On Time	Total Minus P/T	Contract not awarded -3a	Weather-3b	Evaluator-3c	Medical/scheduling-3	Other 3 -	Data not available -4	No reason -4	Percent ((Col. C - Sum of Col. M through R)/Col. C))	Comments	of s	ch	o	o	Non Eligible	Eligible	
		1026	1	293	120	42	1026	0	0	864	0	1	31	0	23	38	50	83%							
	162								143										305				134	806	
Part 1	864																								
Part 2	721																								

# PARENT CONSENT TO EVALUATE

- The Date the document was **received** by the school begins the 60 day timeline.
- This date must match the date on the Desk Audit form the school submits to the BIE
- Only this form is acceptable

Page 2 Assessment Plan Report Student Name:

**Parent/Guardian Consent to Evaluate / Reevaluate (§300.300)**

Consent means that the parent has been fully informed of all information relevant to the activity for which consent is sought, in the native language, or through other modes of communication. The parent understands and agrees in writing to the activity or activities for which consent is sought. The granting of consent by the parent or legal guardian is voluntary and may be revoked in writing at any time.

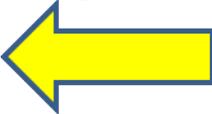
I consent to the evaluation as indicated:  Yes  No

\_\_\_\_\_  
Parent/Guardian/Student (if of age)                      Date                      Date received by school

This notice has been communicated in the primary language of the parent(s)/guardian(s).  Yes  No  
An interpreter \_\_\_\_\_ was \_\_\_\_\_ was not needed.

A copy of procedural safeguards is enclosed. Please read them carefully and ask school staff if you have any questions.

Initial evaluation(s) must be conducted within 60 days of receiving parent/guardian consent (§300.301(c)(1))



# DETERMINATION OF ELIGIBILITY

- Located under Evaluation Summary Report
- Ensure completion, signed by the required team members
- Ensure the date matches the Desk Audit form the school submitted to the BIE

**DETERMINATION OF ELIGIBILITY**

**The evaluation team has reviewed the evaluation data and proposed the following action:**

This child has a disability, as defined in the Individuals with Disabilities Education Act (IDEA 2004), in the area of (Primary Disability) Emotional Disturbance. This disability adversely affects educational performance, and the child requires specialized instruction. The team agrees that neither lack of instruction in reading or math, nor limited English proficiency was a factor in this determination.

Related services are required for this child:  Yes  No

If yes, list service(s):  
 Psychotherapy

This child does not have a disability, as defined in the Individuals with Disabilities Education Act (IDEA 2004), that adversely affects educational performance, and does not require specialized instruction.

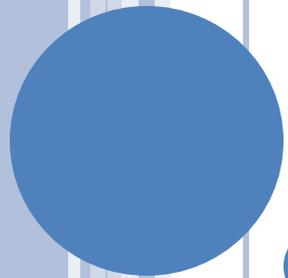
This child has been considered for Section 504 services and requires a 504 plan:  Yes  No *If yes, refer Assistance team.*

Does this child need further evaluation to determine special education services?  Yes  No *If yes, refer Assessment*

**Team Participants:**

Name/Title	Agree	Disagree	Signature	Date





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# CHILD FIND

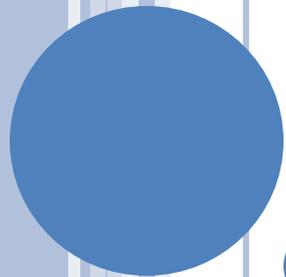


# CHILD FIND (34 C.F.R. 300.111)

- (a) *General.* (1) The State must have in effect policies and procedures to ensure that-
  - (i) All children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated; and
  - (ii) A practical method is developed and implemented to determine which children are currently receiving needed special education and related services.

# CHILD FIND (34 C.F.R. 300.111)

- Child find also includes children who are suspected of being a “child with a disability” and in need of special education and related services, even though they are advancing from grade to grade, and highly mobile children, including migrant children.



# REFERRAL



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# REQUIREMENTS FOR CONDUCTING THE INITIAL EVALUATION

- Request for an initial special education evaluation  
34 CFR §300.301(b); 20 U.S.C. 1414(a)(1)
- Screening of a student to determine appropriate instructional strategies for curriculum implementation is not considered a part of the evaluation process, no parental consent required (70 Fed. Reg. 35800)
- **Referral of a child to the special education process and the Request for an initial evaluation** (71 Fed. Reg. 46636)

# PROCEDURAL SAFEGUARDS & PRIOR WRITTEN NOTICE

- School provides parents a copy of the procedural safeguards notice (*BIE Notice of Procedural Safeguards Revised 2011*)  
34 CFR §300.504
- Prior Written Notice 34 CFR §§ 300.503-504(a)
  - The school must notify the parent in writing that it either intends to, or refuses to, evaluate the child to determine if he or she is eligible for special education services funded by IDEA
  - The notice has to describe why the school is proposing or refusing to take the action, and it must describe each evaluation procedure, assessment, record or report that is used as a basis for the action
  - The notice must describe any evaluation procedures that the school proposes to conduct (and the other specific requirements for the content for the PWN).

# CONSENT FOR INITIAL EVALUATION

- ⦿ Parents must give “informed consent” to an initial evaluation.
- ⦿ The LEA may initiate a due process hearing and/or mediation if the parent refuses to give consent.
- ⦿ If the parent refuses to consent, the LEA is not liable for failure to provide FAPE and is not required to convene an IEP meeting.

20 U.S.C. 1414(a)(1)(D).

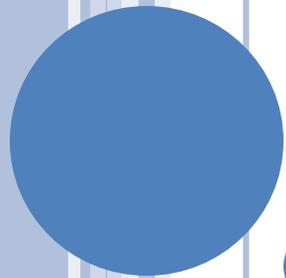
# CONSENT FOR INITIAL EVALUATION

- Reasonable efforts must be documented:
  - Detailed records of telephone calls made or attempted and results of those calls
  - Copies of correspondence sent to the parents and any responses received; and
  - Detailed records of visits made to the parent's home or place of employment and the results of those visits

# EXCEPTIONS TO CONSENT

- ◉ The school is not required to obtain parental consent if:
  - Despite reasonable efforts to do so, the School cannot discover the whereabouts of the parents.
  - Parental rights have been legally terminated;
- ◉ A judge has appointed a legal representative for the child who has given consent (e.g., a guardian ad litem).

20 U.S.C. 1414(a)(D)(iii).



# **ASSESSMENT**

# INITIAL EVALUATION

- The school district (LEA) must conduct a “full and individual” evaluation before the initial provision of special education and related services to a child with a disability. 34 C.F.R. 300.301(a)
- Parents or school officials (i.e. LEA, SEA) may initiate a request for a special education evaluation. 20 U.S.C. 1414(a)(1), 34 C.F.R. 300.301(b).
- The initial evaluation must be conducted within 60 calendar days of receiving parental consent (or pursuant to a different State timeline). 20 U.S.C.1414(a)(1)(C), 34 C.F.R. 300.301(c).

# INITIAL EVALUATION

- LEA must use a variety of assessment tools and strategies;
- LEA may not use any single measure or assessment as the sole criterion for eligibility;
  - IEP team must review existing evaluation data, including:
  - Information provided by the parents,
  - Current assessments and classroom observations.

20 U.S.C. 1414(b) and(c).

# INITIAL EVALUATION CONT'D

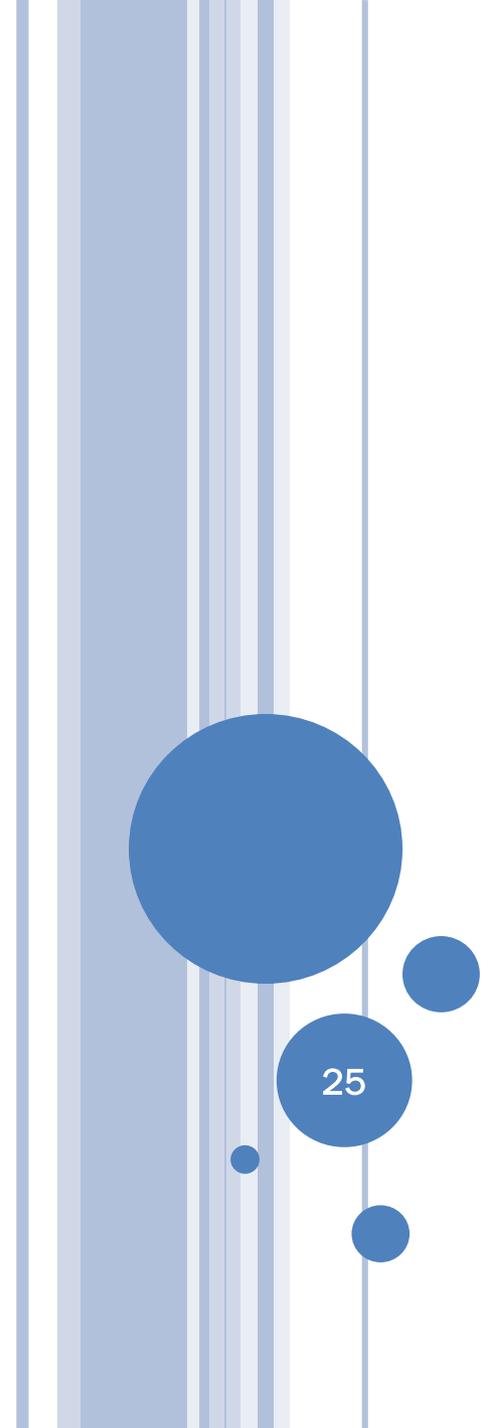
- ◉ Additional Data Needed (needed assessments and evaluations are identified) to discover:
  - Whether the child is a “child with a disability”;
  - The child’s educational needs;
  - The child’s present levels of academic achievement and related developmental needs;
  - The child’s need for special education and related services; and
  - Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the child’s IEP to participate, as appropriate, in the general education curriculum

# IDEA REQUIREMENTS WHEN CONDUCTING EVALUATIONS

- Ensure that tests and evaluation materials are **administered by trained and knowledgeable personnel** and are administered consistent with any instructions provided by the producer of the tests;
- Ensure that assessments and other evaluation materials include those tailored to **assess specific areas of educational need** and not merely those that are designed to provide a single general intelligence quotient;
- Ensure that assessments are selected and administered so as **best to ensure that the results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure**, rather than reflecting the child's impaired sensory, manual or speaking skills (unless those skills are the factors that the test purports to measure);

# IDEA REQUIREMENTS WHEN CONDUCTING EVALUATIONS

- Ensure that tests or other evaluation materials are selected and **administered so as not to be discriminatory on a racial or cultural basis;**
- Ensure that tests or other evaluation materials are 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 clearly not feasible to do so;
- Ensure that tests and other evaluation materials are **used for purposes for which the assessments or measures are valid and reliable;**



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## **ELIGIBILITY DETERMINATION**

**Assessment and other Evaluation Measures to Produce the Data**

# THE STATUTE AND REGULATIONS

- The IDEA itself states that a child must have one of the listed disabilities, and “by reason thereof,” must require special education. 20 U.S.C. § 1401(3)(A).
- The federal regulations add that for most disabilities, the condition must “adversely affect educational performance.” 34 C.F.R. § 300.8(c).

# SPECIAL EDUCATION

- Specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability.
- Also includes speech-language pathology, P.E., travel training, and vocational education.

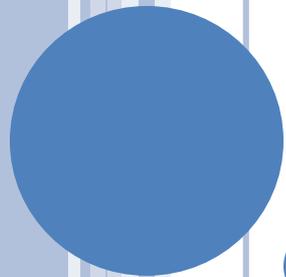
# REVIEW OF EXISTING DATA:

- Data to assist the multidisciplinary team to determine the child's educational needs:
  - Evaluations
  - Current classroom-based assessments and observations
  - Current state and local assessments
  - Observations by teachers and related service providers
  - Other relevant input
- Parental input and any outside evaluation or medical history provided by the parent

# SPECIAL RULE FOR ELIGIBILITY DETERMINATION

- A child **shall not** be determined to be a “child with a disability” if the major factor in the eligibility determination is:
  - A lack of scientifically based instruction in reading or math;or,
  - Limited English proficiencyor
  - The child does not otherwise meet the eligibility criteria.

20 U.S.C. 1414(b)(5).



# PLACEMENT



# PLACEMENT - § 300.116

In determining the education placement of a child with a disability including a preschool child with a disability, each public agency must ensure that –

- The placement decision –
  - is made by a group of persons, including the parents and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and
  - is made in conformity with the LRE requirements
- The child's placement -
  - is determined at least annually
  - is based on the child's IEP; and
  - is as close as possible to the child's home.

# PLACEMENT - § 300.116 CONT'D

- Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled.
- In selecting the Least Restrictive Environment (LRE), consideration is given to any potential harmful effect on the child, or on the quality of services that he or she needs; and
- A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

# LEAST RESTRICTIVE ENVIRONMENT (LRE)

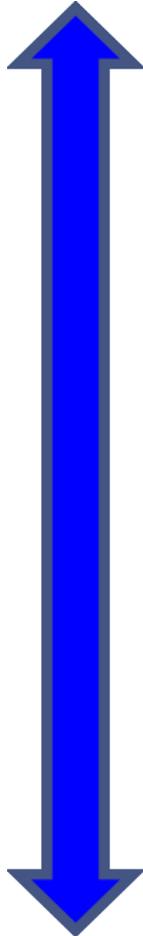
DEFINITION — 34 CFR § 300.114; 20- U.S.C. 1412 9(A)(5)(A)

- 1) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled; and
- 2) Special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Note: “Regular educational environment” encompasses regular classroom and other settings in schools such as lunchrooms and playgrounds in which children without disabilities participate.

*Analysis of Comments and Changes to 2006 IDEA Part B Regulations*, 71 Fed. Reg. 46585 (2006)

## ○ Least Restrictive



## ○ Most restrictive

- ❖ Regular education with weekly monitoring from a special education teacher
- ❖ Regular education with daily consultation from a special education teacher.
- ❖ Regular education with special education services and supports that are aligned with the general curriculum
- ❖ Regular education with special education services provided for part of the day in a resource room or a special education classroom
- ❖ Self-contained special education classroom
- ❖ Special day school (outside school campus)
- ❖ Residential treatment facility
- ❖ Hospital
- ❖ Detention facility

# FREE APPROPRIATE PUBLIC EDUCATION (FAPE)

- Special education and related services that:
  - Are provided at public expense;
  - Meet State standards;
  - Include an appropriate preschool, elementary, or secondary school education;
  - Are provided in conformity with an IEP.

20 U.S.C. 1401(9).

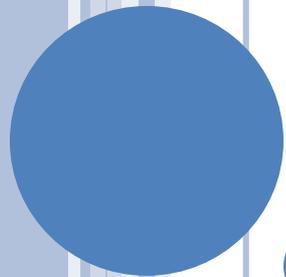
# FACTORS IN SUPPORT OF PLACEMENT IN THE REGULAR CLASSROOM

- When meaningful education benefits are being achieved in a regular classroom with appropriate supplementary aids and services. Education benefits are considered to be both academic and nonacademic (behavior). Educational benefits can include development of social and communication skills, increased sense of self-esteem, and language and role modeling.
- When the regular education program is not modified beyond recognition (where the child is not required to learn any of the skills normally taught in a regular education classroom).
- When the student 's presence in the regular education classroom is not too disruptive.

See *Oberti v. Board of Education*, 19 IDELR (3d Cir 1993)

# FACTORS AGAINST PLACEMENT IN A REGULAR CLASSROOM

- A LEA may not be required to place student in the regular classroom when the student:
  - Will not receive a sufficient educational benefit in a regular classroom, even with the provision of supplementary aids and services. *Pachl v. Seagren*, 46 IDELR 1, (8<sup>th</sup> Cir. 2006)
  - Requires so much of the teacher's time and attention that he substantially interferes with the learning of others in the classroom. *Greenwood v. Wissahickon Sch. Dist.* 50 IDELR 280 (E.D. Pa 2008), *aff'd* 54 IDELR 113 (3d Cir. 2010)
  - Threatens the safety of others or poses a danger to himself. See *Clyde K. v. Puyallup Sch. Dist.*, 21 IDELR 664 (9<sup>th</sup> Cir. 1994)
  - Engages in significantly disruptive behavior that interferes with the education of classmates. See *Renollett v. Independent Sch. Dist. No. 11*, 42 IDELR 201 (D. Minn 205), *aff'd* 45 IDELR 117 (8<sup>th</sup> Cir. 2006); *DeVries v. Fairfax County Sch. Bd.*, 441 IDELR 555 (4<sup>th</sup> Cir. 1989).
  - Will require so much modification in the curriculum that the regular program would have to be altered beyond recognition. See *Cody H. v. Bryan Indep. Sch. Dist.* 44 IDELR 211 (S.D. Tex. 2005).



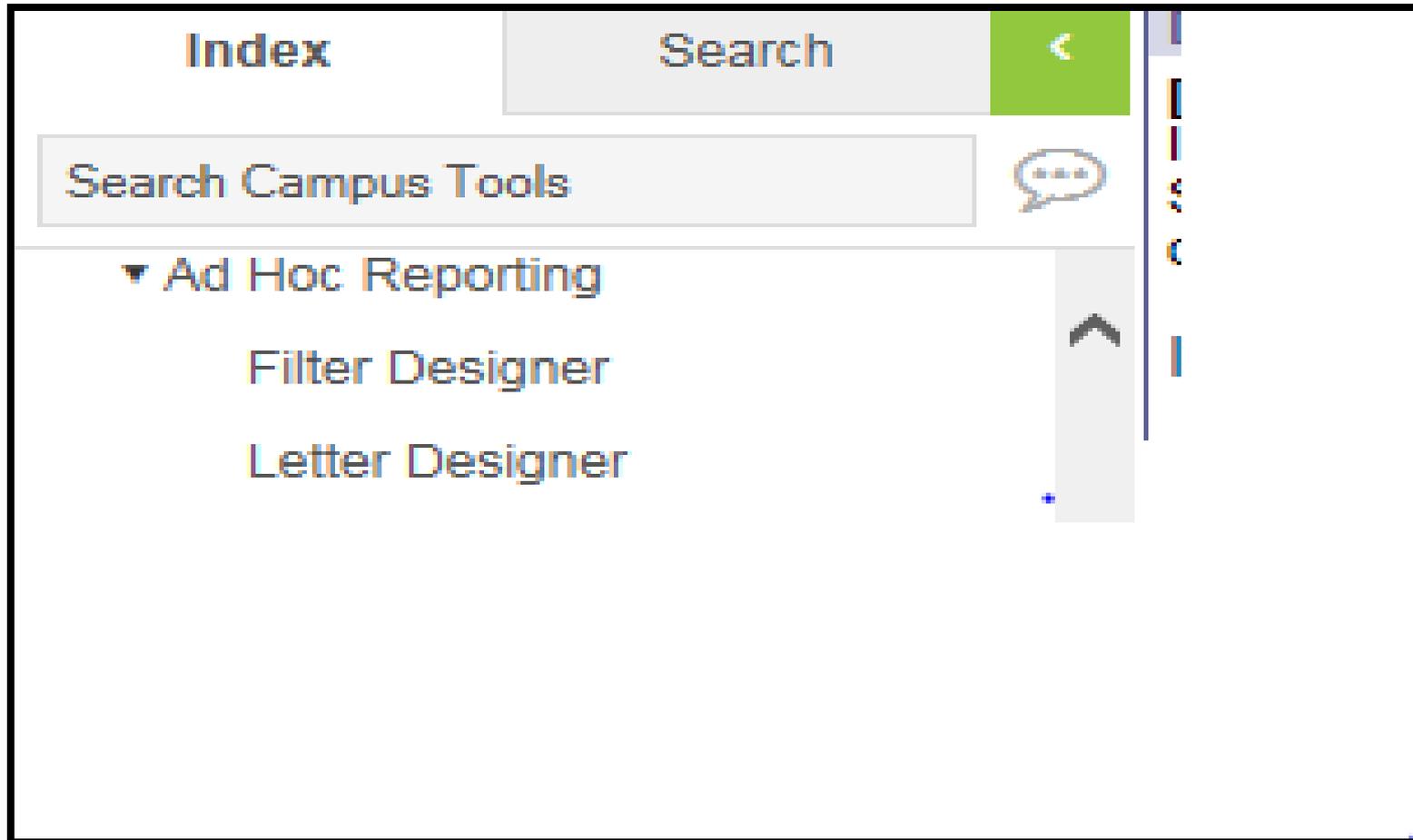
# HOW TO PRINT AN ADHOC REPORT



# STEP 1: SELECT CORRECT: SCHOOL YEAR, SCHOOL AND CALENDAR

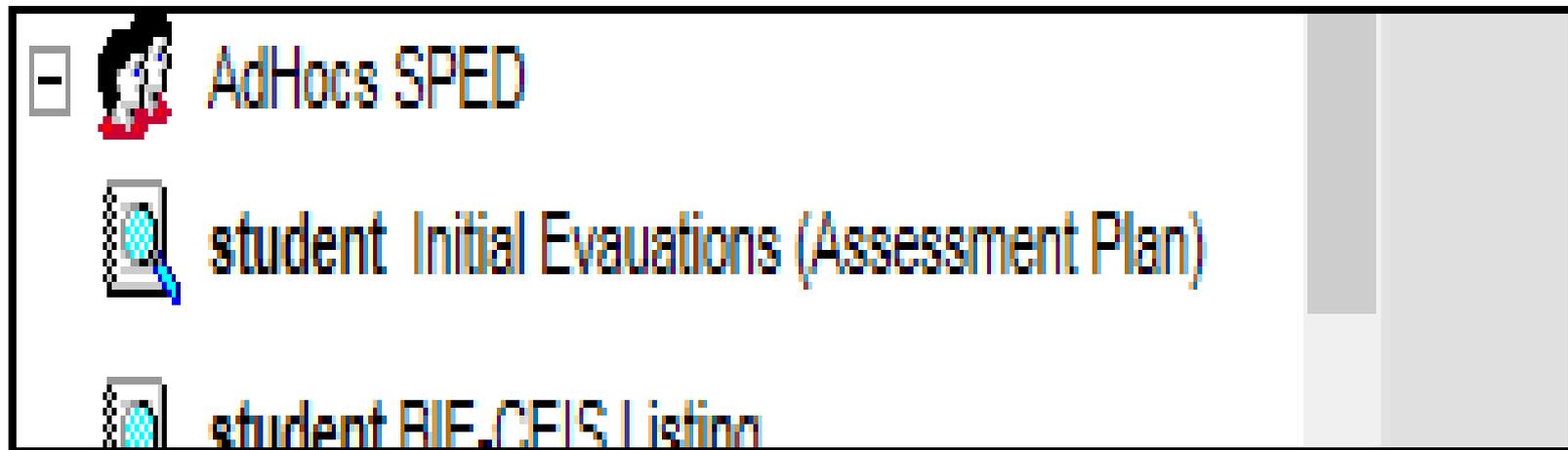
The screenshot shows the 'Infinite Campus District Edition' interface. At the top, there is a green header with the 'Infinite Campus' logo on the left and the text 'District Edition' on the right. Below the header is a search bar area with a light gray background. On the left side of this area, the word 'Year' is followed by a blue dropdown menu containing the text '17-18' and a downward-pointing arrow. To the right of the dropdown is the word 'School' followed by a partial opening square bracket. Below the search bar area, there are two buttons: 'Index' on the left and 'Search' on the right. The 'Search' button is highlighted with a green vertical bar on its right side.

# STEP 2: SCROLL DOWN TO: AD HOC REPORTING/FILTER DESIGN



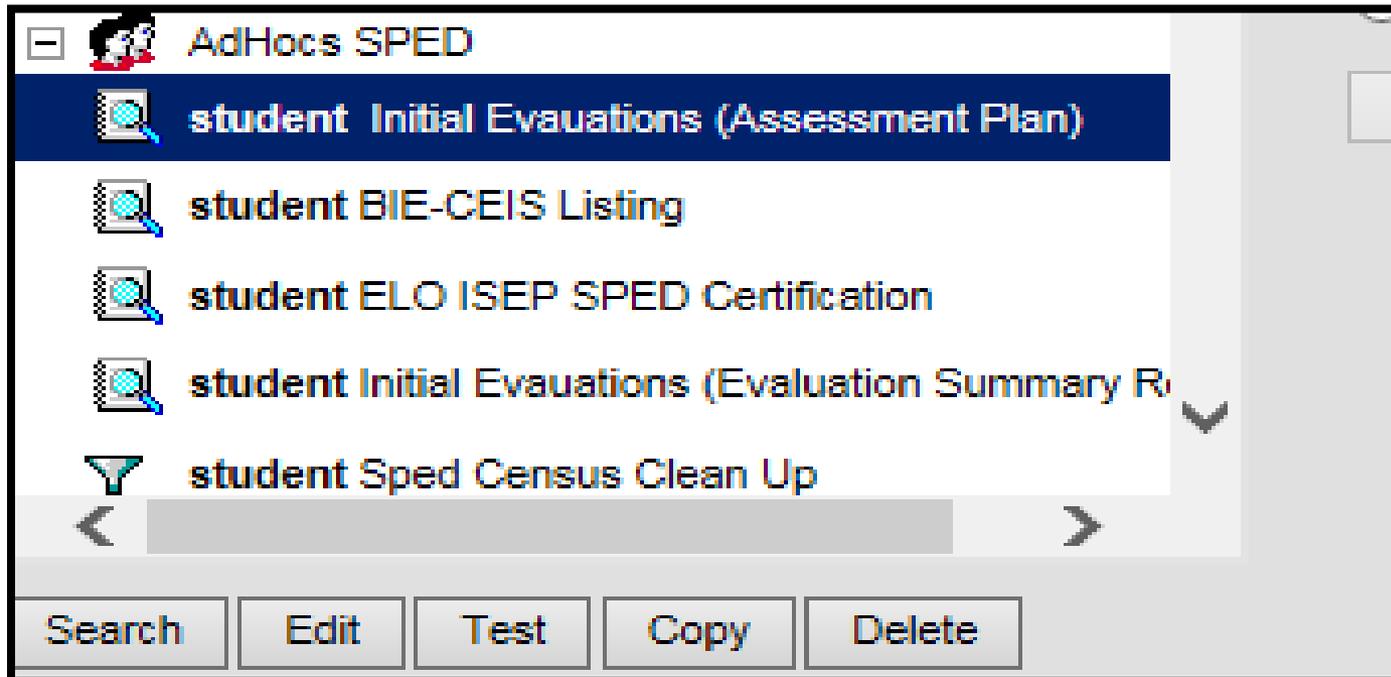
STEP 3: CLICK ON + SIGN FOR ADHOC SPED

STEP 4: CLICK ON STUDENT INITIAL EVALUATION



STEP 5: SELECT INITIAL EVALUATIONS

STEP 6: SELECT TEST & PRINT



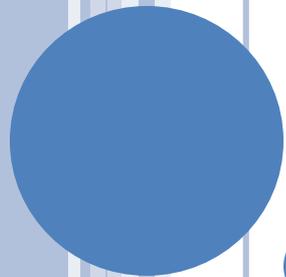
STEP 7: REVIEW LIST FOR ONLY THOSE THAT FALL  
BETWEEN 7/1/2017 – 6/30/2018

**Initial Evaluations (Assessment Plan) Total Records**

**All Records**

# NEXT STEPS

- Compare the Spreadsheet and add any student information to the Desk Audit form
- Upload/Staple the signed documents in the student's file
- Recheck to ensure all students information is correct



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# **DESK AUDIT INDICATOR 11**



# DESK AUDIT INDICATOR 11

## SPECIAL EDUCATION INTEGRATED MONITORING PROCESS

- Complete the Desk Audit form
- Any student file that is beyond the 60 day timeline a reason code must be entered and explained for #3 and 4.
- Spreadsheet automatically calculates days; carefully review and ensure a code is entered for any + number indicated. (negative # indicates it was less than 60 days)
- Reason Codes
  - 1. Parent repeatedly fails or refuses to make the child available for evaluation.
  - 2. Child transfers to new school after previous school has begun and evaluation is not completed.
  - 3.A - Contract not Awarded
  - 3.B - Inclement Weather
  - 3.C - Evaluator not available
  - 4. Provide Reason (explain reason for delay)

# Desk Audit Review form: Native Star/Resources/Docs&Links

FAX to 615-564-6632 ATTN: Nancy Kawon

BIE Division of Performance and Accountability (BIE-DPA)  
 State Performance Plan (SPP)/Annual Performance Report  
 Indicator 11 - Timely Evaluation for SY 2017-18  
**Desk Audit form**

**DUE: September 28, 2018**

**Read Carefully**

**A. Check the box to the left if the school had Zero Initial evaluations for SY2017-18  
 If Zero, complete questions 1-4 below**

B. Schools with initial evaluations will complete and **FAX** the desk audit form to Nancy Ka'Won (See Guidance document). Insert student information as noted, and utilize drop down boxes where appropriate.

- 1 School
- 2 School Contact
- 3 Email Address
- 4 Contact Phone Number
- 5 # of Initial Evaluations

C. Upload the two (2) required documents for **ALL** the students listed below. (Signed Parent to Consent to Evaluate and Determination of Eligibility)

D. Complete the information below on **ALL** students of which an initial evaluation was started for SY2017-18 (July 1, 2017 - September 30, 2018). Utilize the drop down box when indicated.

Student Eligibility	NASIS # (NOT Student ID)	SY2017-18 Grade level	Date the school received the signed Parent Consent to Evaluate	Date of Determination of Eligibility	Reason for Delay (See Code definition tab below)	Only Type in an Explanation for Reason codes #3 and #4	Total # of Days
1							0
2							0
3							0



# HOW CAN WE IMPROVE OUR COMPLIANCE?

- Reasons for the Delay submitted by schools for SY2016-17

Number of Students	Reasons: Not Allowable
23	Evaluator not available or contract not awarded
32	Other – School holidays, turnover in staff, school could not determine reason in delay, weather
38	Data no available – could not locate student folder
50	No Reason codes entered



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# ADD- Navajo

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# School Operations

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# School Operations

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