

Oklahoma Distance Learning Special Education Evaluation and Eligibility Guidance

The Oklahoma State Department of Education Special Education Services Division (OSDE-SES) encourages all school evaluation and eligibility teams to continue to take Child Find obligation seriously and ensure that students with disabilities are identified and provided the services they need, while maintaining the health and safety of students, staff, and families during this exceptional time. Evaluation teams to consider on a case-by-case basis for remaining initial evaluations or re-evaluations this year. In special education, each case is unique, and there is no one-size-fits-all answer.

The evaluation team should consider if services are required to ensure that the student's needs are being met in their least restrictive environment. Initial evaluation teams are establishing eligibility. Re-evaluation teams may wish to consider adding a service, removing a service, or recommending a change of placement that was already in the process of consideration. Re-evaluation teams should also consider if the student continues to need specially designed instruction to make meaningful progress in the general education setting.

Evaluation teams must make a good faith effort to complete evaluations prior to their expiration date where this is possible. It is important to meet existing deadlines to serve our students appropriately. Using our time wisely is also an important consideration, since everything that is not completed now will have to be completed in fall 2020 in addition to the regular caseload.

SOONER START TRANSITION AND ASSESSMENT

For children transitioning from SoonerStart, do they still need to have eligibility determination on or before their 3rd birthday?

Yes, *at this time*, children receiving Sooner Start services under Part C must be considered for eligibility for Part B services on or before their 3rd birthday. This does NOT mean that practitioners are supposed to conduct in-person assessments during this time. The school-based team should work with the SoonerStart team to make decisions based on available existing data or data that may be collected with distance methods.

Will Sooner Start be responsible for services after the child turns 3, since the school may have data over two years old for existing data, and no real knowledge of the student?

No, IEP teams should continue to meet and develop a plan for the services for 3 years-olds transitioning in to the public school district.

DOCUMENTATION IN EDPLAN

How do I document issues during the COVID-19 pandemic?

Document team meetings or changes to MEEGs/REDs/IEP documents in Written Notice and email/mail copies to parents with Parent Rights and any other required documents.

If you are not able to complete an initial evaluation or reevaluation during this time:

- Communicate with the family the reasons why a particular assessment cannot be completed virtually.
- Discuss a plan for completing the evaluation when normal school operations resume.
- Document the discussion and decisions in the Written Notice, including any distance learning plans for that student.
- Document all communication with parents in EDPlan in the Contact Log.

What if a parent is not able to be contacted?

Document all communication attempts with parents in EDPlan in the Contact Log.

What if a parent declines special education and related services after their child is determined eligible?

Under the IDEA, parents must provide consent for the initial provision of special education and related services. If they do not provide consent, services cannot be provided under the IDEA (34 CFR §300.300).

How should we document late eligibility determinations in EDPlan?

After communicating with the family, send written notice to the parents stating that evaluations will continue when normal school operations resume. Districts should continue to internally track any reasons for delay. The OSDE-SES will provide additional guidance on how to report instances of delay due to COVID-19 prior to End of Year Reporting.

ASSESSMENT PROCEDURES AND CONSIDERATIONS

Can we conduct assessments during this period of Distance Learning?

It depends. Any assessments that require face-to-face administration should not be conducted at this time. The priority right now is to maintain the safety and health of our students and educators.

However, there are assessments, such as rating forms (i.e., BASC-3, Vineland-2, etc.) that were designed to be completed virtually.

Before conducting assessments virtually, please consider and review the following:

- Your competence and the best interests of students.
- Whether you have received training to conduct this assessment through virtual methods.
- Whether there is a designated platform to conduct the assessment virtually and whether it is intended to be completed with a student in a home setting.
- The amount of support a student will need in completing the assessment virtually.
- Confidentiality issues with the assessment provided.
- Validity issues with assessments that are taking place at a time of high anxiety and atypical situations.

Do we need to complete assessments that were already started before the closure?

- It depends. If sufficient data has already been collected to make an eligibility determination, then the process should be completed by the existing due dates.
- If sufficient data has not been collected, the team will need to determine if data can be collected via distance methods (refer to considerations for assessments).
- If the team needs to delay an evaluation due to current pandemic conditions, the team must document this through a Written Notice.
- The team should hold a meeting to document their decision by the due date.

If parent consent has been obtained but no assessments have been initiated, should we continue the evaluation process?

Yes. The evaluation process should continue unless a particular assessment necessary to make an eligibility decision cannot be completed virtually.

Should the IEP Team complete an FBA or Behavior Intervention Plan that was initiated prior to school closing?

It depends. If sufficient data has already been collected to complete the FBA/BIP, then the process should be completed. However, the team will also need to consider and document the following:

- Any already collected data may not be applicable to current environment (i.e., home vs. school).
- Plans developed based on current school year data may not be applicable to a plan for next year.
- There may be different levels of need and available supports for students in the home environment.

If FBA data has not been collected or is not sufficient, the team will need to determine:

- Whether data should be collected via distance methods (refer to considerations for assessments).
- If the team needs to delay an FBA due to current pandemic conditions. In this case, the team must document this through a Written Notice.

RESPONSE TO INTERVENTION AND INSTRUCTION

How do we proceed if we have collected RTI data and the data indicates a student may need special education services?

It depends. The team will need to conduct a REDS, as they normally would to determine if the student needs additional assessments or not. If additional assessments are needed, document a plan for completing the appropriate assessments and seek parent consent.

For certified school psychologists doing interventions for RTI purposes, are there resources for transitioning to online delivery?

Interventions should take into account district distance learning plans and should be considered on an individual student basis. Some considerations for determining if interventions should be continued are:

- Consider the student's individual learning needs. Is the priority to build new skills or the maintenance of existing skills?
- Consider the validity of any intervention data collected during this time for use in educational decisions.
- Practicality of doing the intervention. Is the parent able to do the intervention? How will progress be measured and tracked?
- How does the intervention plan work into the student's current distance learning plan?

INITIAL EVALUATION QUESTIONS

Currently, all IDEA compliance timelines will remain in place and have not been extended. IDEA is federal legislation and a change to this Act would require a legislative amendment. Neither States nor the United States Department of Education have the authority to amend these timelines.

After April 6th, is the 45-day timeline reactivated for initial evaluations?

Days during the two-week closure period were non-instructional. The timeline for making eligibility determinations in Oklahoma is 45 school days. On April 6th, instructional school days resumed.

RE-EVALUATION QUESTIONS

Do Re-evaluation timelines still apply for those due during either the school closure or Distance Learning Plan?

At this time, the re-evaluation due dates will not change based on this current situation. This does NOT mean that practitioners are supposed to conduct in-person assessments during this time. School teams will need to review existing data to determine if additional assessments are needed to make an eligibility determination. Re-evaluations that can be completed **without** additional data may be completed through a virtual meeting with REDS and MEEGS completion. **Re-evaluations that may require additional data should be considered. Districts should not institute a blanket policy deferring all re-evaluations.** Each student's situation and data should be considered individually. If additional data is necessary, the team should proceed with the REDS and Parent Consent virtually. Document a plan for the evaluation process with Written Notice.

How do we process re-evaluations for a senior with additional assessments?

Once a student graduates, school districts are no longer obligated to serve the student under the IDEA. It is recommended that the district provide the student with the results of the assessments that have been completed.

COMMUNICATIONS WITH PARENTS

Should meetings be conducted in person if a parent requests it?

No. Meetings should not be conducted in person during this time to maintain safety and health of everyone. Teams should strive to meet virtually or through conference calls with ALL members present.

If this is not possible due to parent accessibility or because it is not appropriate for that particular situation, document reasons for a delay and plans for a future meeting. Document ALL attempts to contact parents in the EDPlan Contact Log.

Can certified school psychologists provide tele-therapy, parent training, and other social-emotional supports to students?

Yes. Certified school psychologists are encouraged to consider their **competence** and the **best interests of students**. In addition, they should consider the level of support an individual student will need.



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