

Chapter 4 Evaluation & Eligibility

Oklahoma Special Education
Policies and Procedures
July 2022



OKLAHOMA
Education



Combined Initial and Reevaluation

- The 2017 Special Education Handbook separated the initial from the reevaluation into two separate chapters. The new P&P of 2022 has combined the two separate chapters so that evaluators only one chapter to look up information.

Qualified Professional

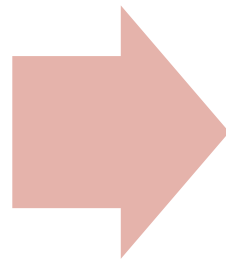
- Section 300.306: “A group of qualified professionals and the parent of the child determines whether the child is a child with a disability.”
- There is **NOT** a single Qualified Examiner
- There is a group of Qualified Professionals who can administer and interpret the results of specific assessments associated with the required components of a comprehensive evaluation

New Oklahoma Policy

- 1) Ten (10) school day timeline between the review of existing data and parent consent for an **initial** evaluation.
 - (34 CFR §§ 300.300(a)(1)(i), and 300.305)
 - The LEA must obtain the parent's written consent on the Special Education Parent Consent form for an initial evaluation within ten (10) school days from the date the parent signs the completed Review of Existing Data (RED) form.

Dates on the RED

The date at the top of the RED is the date when the existing data is transferred to the form.



The date of the signatures on the RED is when individuals have reviewed the data. To review existing data does **not** require a formal parent meeting. Therefore, the dates on the signature page of the RED may vary.

New Oklahoma Policy

- As part of Oklahoma policy, each suspected category of disability has a list of required evaluation components that make up a comprehensive evaluation.
- Required evaluation components defined per category of suspected disability.
- (34 CFR § 300.304(b)(1)(i)(2)(3))

Required Evaluation Components

- Identified required evaluation components per category of disability.
- Divided as Required or As Needed for each category of disability – Example for ID category

Components of a Comprehensive Evaluation	
REQUIRED	AS NEEDED
<ul style="list-style-type: none">• Communication/Language• Academic Achievement• Intellectual/Cognitive• Developmental• Adaptive Behavior• Background (Cultural and Educational)• Observation in Classroom/Other Environment• Vision Screening• Hearing Screening	<ul style="list-style-type: none">• Health/Medical• Vision Evaluation• Hearing Evaluation• Motor• Perceptual/Processing• Psychological• Social/Emotional• Behavior• Assistive Technology• Other Intervention Documentation• Vocational

Required Components for ALL Disability Categories

- **Vision Screening**
- **Hearing Screening**
- **Observation** (classroom or age-appropriate setting)
- **Background** (Cultural and Educational)
- **Developmental History**

Consideration of Outside Evaluations.

- OSEP Letter to Zirkel, May 2, 2019, stated, if the parents obtain an Independent Educational Evaluation (IEE) at their own private expense and share that evaluation result with the LEA, the school **must consider** the evaluation if it meets the federal, state, and local criteria for determining eligibility. Must document on RED the LEA considered it and document on Written Notice if the LEA will use it or not use it as part of the eligibility determination.
- This requirement also applies to a parent who seeks an IEE at private expenses after their child has been found not to be a child with a disability (34 C.F.R. § 300.502(c)).

Adverse Impact

- Definition of educational performance **cannot** be limited to academics and the LEA cannot deny an initial evaluation "solely" on a history of academic success without looking at other factors that may have an adverse impact.
- IDEA states (34 C.F.R. § 300.101(c)) that *“FAPE is available to any individual child with a disability who needs special education and related services, even though the child has not failed or been retained in a course or grade and is advancing from grade to grade. The determination must be made on an individual basis by the group responsible within the child’s LEA for making eligibility determinations.”*
- Review concerns about behavior such as mental health, severe/chronic pattern of not completing work but scores proficient on achievement test scores.

Parents Will Not Respond or Cannot Persuade to Attend

- The LEA must maintain a record of its attempt to ensure the parent's involvement and the results in the Contact Log.
- Keep detailed records of email, phone calls made, text, virtual platform, home visit, etc. offering the parents multiple options for the date/time of the meeting.
- One of the two required contacts **must** be an "Invitation for Meeting" form
- If the above has occurred and is documented, then the LEA must meet to complete the initial eligibility determination. Cannot place the child in special education without a signed initial IEP from the parent. However, the initial eligibility determination must be completed within the 45 school days and the parent delaying the meeting due to not responding or the LEA cannot persuade to attend is not an excuse reason for going over timeline.

DD vs Categorical

- The LEA may choose “Developmental Delays” for children ages 3 through 9 by selecting this option in the annual LEA agreement by July 1st of each year. Once selected, then the eligibility category on the MEEGS form must be Developmentally Delayed (DD) for all children eligible under the IDEA and state criteria standards in the age range of 3-9, **except** for the sensory categories of **deaf-blindness, hearing impairment including deafness, and visual impairment including blindness**, may **not** be identified as DD.

DD vs Categorical - 2

- If the LEA who chooses **not** to use the “Developmental Delays” category, then each student(s) eligibility group must determine whether a student is a student with a disability utilizing the required components based on that specific category of disability. No student in this LEA would have a child labeled with the category of DD.

New Oklahoma Policy - 2

- Defined who will be in attendance at the eligibility team meeting
- (34 CFR § 300.306 and § 300.308)
- For all disability categories, the following team members are required to attend the eligibility determination meeting: Parent, Administrator, Special Education Teacher, at least one General Education Teacher, and at least one Qualified Professional(s) who conducts individual diagnostic examinations of students (e.g., certified school psychologist, certified school psychometrist, speech-language pathologist, remedial reading teacher, occupational therapist, physical therapist, etc.).