

## EVALUATION PROCEDURES

Authorities: 34 CFR Part 300; Texas Education Code; 19 TAC Chapters 89, 129

	<b>Additional Resources</b>
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	<b>FEDERAL AND STATE REQUIREMENTS</b>
<a href="#">Practice</a>	The local education agency (LEA) must comply with the <a href="#">REVIEW OF EXISTING EVALUATION DATA</a> framework.
<a href="#">Practice</a>	The LEA must comply with the <a href="#">PRIOR WRITTEN NOTICE</a> framework.
<a href="#">Practice</a>	The LEA must comply with the <a href="#">CONSENT</a> frameworks.
<a href="#">Practice</a>	In Texas, the group of qualified professionals that determines whether the child is a child with a disability and the educational needs of the child is the child's <a href="#">ADMISSION, REVIEW, AND DISMISSAL COMMITTEE</a> .  <b>Citations:</b> <a href="#">89.1040(b)</a> <a href="#">89.1050(a)(5)</a> <a href="#">300.306(a)(1)</a>
	<b>GROUP OF QUALIFIED PROFESSIONALS</b>
<a href="#">Document</a>	The group that collects or reviews evaluation data in connection with the determination of a child's eligibility for special education and related services must include, but is not limited to the following:  <b>Citations:</b> <a href="#">89.1040(b)</a>
<a href="#">Document</a>	<ul style="list-style-type: none"> <li>A licensed specialist in school psychology (<a href="#">LSSP</a>)/<a href="#">school psychologist</a>, an educational diagnostician, or other appropriately certified or licensed practitioner with experience and training in the area of the disability; or</li> </ul> <b>Citations:</b> <a href="#">89.1040(b)(1)</a>
<a href="#">Document</a>	<ul style="list-style-type: none"> <li>A licensed or certified professional for a specific eligibility category as specified in the applicable <a href="#">EVALUATION</a> frameworks.</li> </ul>

	<b>FEDERAL AND STATE REQUIREMENTS</b>
	<p><b>Citations:</b></p> <p><a href="#">89.1040(b)(2)</a></p>
	<b>INITIAL EVALUATIONS</b>
<a href="#">Practice</a>	<p>The LEA must conduct a full individual and initial <a href="#">EVALUATION</a> (FIE) before the initial provision of special education and related services to the child with a disability.</p> <p><b>Citations:</b></p> <p><a href="#">300.301(a)</a></p>
<a href="#">Practice</a>	<p>The initial evaluation must consist of procedures to determine:</p> <p><b>Citations:</b></p> <p><a href="#">300.301(c)(2)</a></p>
<a href="#">Practice</a>	<ul style="list-style-type: none"> <li>• Whether the child is a child with a disability; and</li> </ul> <p><b>Citations:</b></p> <p><a href="#">300.301(c)(2)(i)</a></p> <p><a href="#">300.8(a)(1)</a></p>
<a href="#">Practice</a>	<ul style="list-style-type: none"> <li>• The educational needs of the child.</li> </ul> <p><b>Citations:</b></p> <p><a href="#">300.301(c)(2)(ii)</a></p>
	<b>TIMELINE FOR CONDUCTING INITIAL EVALUATIONS</b>
<a href="#">Practice</a>	<p>A written report of an <del>initial evaluation</del><a href="#">FIE</a> must be completed as follows:</p> <p><b>Citations:</b></p> <p><del><a href="#">89.1011(c)</a></del></p> <p><del><a href="#">89.1011(d)</a></del></p> <p><a href="#">TEC 29.004(a)(1)</a></p>
<a href="#">Practice</a>	<ul style="list-style-type: none"> <li>• Not later than the 45th school day following the date on which the local educational agency receives written consent for the evaluation from the child's parent; or</li> </ul> <p><b>Citations:</b></p> <p><del><a href="#">89.1011(c)(1)</a></del><a href="#">89.1011(d)(1)</a></p>

	FEDERAL AND STATE REQUIREMENTS
Practice	<ul style="list-style-type: none"> <li>For children under five years of age by September 1 of the school year and not enrolled in public school and for children enrolled in a private or home school setting, not later than the 45th school day following the date on which the LEA receives written consent for the evaluation from the child's parent; but</li> </ul> <p><b>Citations:</b></p> <p><del>89.1011(e)(2)</del>89.1011(d)(2)</p>
Practice	<ul style="list-style-type: none"> <li>If the LEA received <u>written</u> consent for the evaluation from the <del>child's parent at least 35 but less than 45 school days before the last instructional day of the school year</del>: <u>PARENT</u>:</li> </ul> <p><b>Citations:</b></p> <p>89.1011(e)</p> <p>TEC 29.004(a-1)</p>
Practice	<ul style="list-style-type: none"> <li><del>The evaluation</del><u>At least 35 but less than 45 school days before the last instructional day of the school year, provided the written</u> report <u>of an FIIE of a child</u> must be provided to the <u>child's</u> parent not later than June 30 of that year; <del>or</del></li> </ul> <p><b>Citations:</b></p> <p><del>89.1011(e)</del></p> <p><del>89.1011(e)(1)</del></p> <p>TEC 29.004(a-1)</p>
Practice	<ul style="list-style-type: none"> <li><del>At least 35 but less than 45 school days before the last instructional day of the school year but</del> the child was absent <del>from school</del> three or more <u>school</u> days between the time that the <del>LEA</del><u>school district</u> received written consent and the last instructional day of the school year, the <del>evaluation timeline in subsection (d)(1) of this section applies to the date the written</del> report <u>of the FIIE</u> must be completed <del>not later than the 45th school day following the date on which the LEA received written consent plus the number of school days the child was absent.; or</del></li> </ul> <p><b>Citations:</b></p> <p><del>89.1011(e)</del></p> <p><del>89.1011(e)(2)</del></p> <p>TEC 29.004(a-1)</p>

FEDERAL AND STATE REQUIREMENTS	
Practice	<ul style="list-style-type: none"> <li>o <u>Less than 35 school days before the last day of the school year, the timeline in subsection (d)(1) of this section applies to the date the written report of the FIIE must be completed.</u></li> </ul> <p><b>Citations:</b></p> <p><u>89.1011(c)(1)</u></p> <p><u>89.1011(e)(3)</u></p> <p><u>TEC 29.004(a)(1)</u></p>
Practice	<p>If the child was in the process of being evaluated for special education eligibility by an LEA and enrolls in another LEA before the previous LEA completed the <del>initial evaluation</del>FIIE, the new LEA must coordinate with the previous LEA as necessary and as expeditiously as possible to ensure a prompt completion of the evaluation according to the <u>CHILDREN WHO TRANSFER OR RECENTLY REGISTERED</u> framework.</p> <p><b>Citations:</b></p> <p><u>89.1011(f)</u></p> <p><u>300.301(d)(2)</u></p> <p><u>300.301(e)</u></p> <p><u>300.304(c)(5)</u></p>
Practice	<p><i>School day</i> 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. <u>In the case of a school that operates under a school year calendar without spring and fall terms, a school day does not include a day that falls after the last instructional day of one school year and before the first instructional day of the subsequent school year.</u></p> <p><b>Citations:</b></p> <p><u>89.1011(g)</u></p> <p><u>89.1011(i)</u></p> <p><u>TEC 29.004(a-2)</u></p>
Practice	<p>The child is considered absent for the school day if the child is not in attendance at the school's official attendance taking time or <del>at the</del> alternate attendance taking time <del>set for that child</del> <u>as described in the <i>Student Attendance Accounting Handbook</i>.</u></p> <p><b>Citations:</b></p> <p><u>89.1011(h)</u><u>89.1011(j)</u></p>

	<b>FEDERAL AND STATE REQUIREMENTS</b>
	<a href="#">129.1025</a>
	<b>REEVALUATIONS</b>
<a href="#">Practice</a>	The LEA must ensure that a reevaluation of each child with a disability is conducted: <b>Citations:</b> <a href="#">300.303(a)</a>
<a href="#">Practice</a>	<ul style="list-style-type: none"> <li>If the LEA determines the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation;</li> </ul> <b>Citations:</b> <a href="#">300.303(a)(1)</a>
<a href="#">Practice</a>	<ul style="list-style-type: none"> <li>If a reevaluation is requested by the child's parents or teacher; or</li> </ul> <b>Citations:</b> <a href="#">300.303(a)(2)</a>
<a href="#">Practice</a>	<ul style="list-style-type: none"> <li>Before determining that the child is no longer a child with a disability.</li> </ul> <b>Citations:</b> <a href="#">300.305(e)</a>
<a href="#">Document</a>	A reevaluation must occur: <b>Citations:</b> <a href="#">300.303(b)</a>
<a href="#">Document</a>	<ul style="list-style-type: none"> <li>Not more frequently than once a year, unless the parent and the LEA agree otherwise; and</li> </ul> <b>Citations:</b> <a href="#">300.303(b)(1)</a>
<a href="#">Document</a>	<ul style="list-style-type: none"> <li>At least once every three years, unless the parent and the LEA agree that a reevaluation is unnecessary.</li> </ul> <b>Citations:</b> <a href="#">300.303(b)(2)</a>

<b>FEDERAL AND STATE REQUIREMENTS</b>	
<a href="#">Practice</a>	<p>An evaluation must be included as part of the <a href="#">SUMMARY OF PERFORMANCE</a> for a child graduating under certain conditions.</p> <p><b>Citations:</b></p> <p><del>89.1070(h)-86th Leg.</del></p> <p><a href="#">300.305(e)(1)</a></p> <p><a href="#">300.305(e)(3)</a></p>
<a href="#">Practice</a>	<p>An evaluation is not required before the termination of the child's eligibility due to exceeding the age eligibility for a free appropriate public education under state law.</p> <p><b>Citations:</b></p> <p><a href="#">300.305(e)(2)</a></p> <p><a href="#">300.305(e)(1)</a></p>
<a href="#">Practice</a>	<p>The scope of <del>an initial eligibility determination and any</del> reevaluation for the child with a visual impairment must be determined by a multidisciplinary team that includes a certified orientation and mobility specialist.</p> <p><b>Citations:</b></p> <p><del>89.1040(c)(12)(E)</del><a href="#">89.1040(c)(12)(B)</a></p>
<b>EVALUATION PROCEDURES</b>	
<a href="#">Document</a>	<p>In conducting the evaluation, the LEA 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:</p> <p><b>Citations:</b></p> <p><a href="#">300.304(b)(1)</a></p>
<a href="#">Document</a>	<ul style="list-style-type: none"> <li>Whether the child is a child with a disability; and</li> </ul> <p><b>Citations:</b></p> <p><a href="#">300.304(b)(1)(i)</a></p> <p><a href="#">300.8</a></p>
<a href="#">Document</a>	<ul style="list-style-type: none"> <li>The content of the child's individualized education program, including information related to enabling the child to be involved in and progress in the general education curriculum, or for the preschool child, to participate in appropriate activities.</li> </ul>

	<b>FEDERAL AND STATE REQUIREMENTS</b>
	<p><b>Citations:</b></p> <p><a href="#">300.304(b)(1)(ii)</a></p>
<a href="#">Practice</a>	<p>In conducting the evaluation, the LEA must:</p> <p><b>Citations:</b></p> <p><a href="#">300.304(b)</a></p>
<a href="#">Practice</a>	<ul style="list-style-type: none"> <li>• Not use any single measure or assessment as the sole criterion for determining whether the child is a child with a disability and for determining an appropriate educational program for the child; and</li> </ul> <p><b>Citations:</b></p> <p><a href="#">300.304(b)(2)</a></p>
<a href="#">Practice</a>	<ul style="list-style-type: none"> <li>• Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.</li> </ul> <p><b>Citations:</b></p> <p><a href="#">300.304(b)(3)</a></p>
<a href="#">Practice</a>	<p>The LEA must ensure that:</p> <p><b>Citations:</b></p> <p><a href="#">300.304(c)</a></p>
<a href="#">Practice</a>	<ul style="list-style-type: none"> <li>• Assessments and other evaluation materials used to assess the child are:</li> </ul> <p><b>Citations:</b></p> <p><a href="#">300.304(c)(1)</a></p>
<a href="#">Practice</a>	<ul style="list-style-type: none"> <li>○ Selected and administered so as not to be discriminatory on a racial or cultural basis;</li> </ul> <p><b>Citations:</b></p> <p><a href="#">300.304(c)(1)(i)</a></p>
<a href="#">Practice</a>	<ul style="list-style-type: none"> <li>○ Provided and administered:</li> </ul> <p><b>Citations:</b></p> <p><a href="#">300.304(c)(1)(ii)</a></p>

	<b>FEDERAL AND STATE REQUIREMENTS</b>
	<a href="#">TEC 29.004(b)</a>
<a href="#">Practice</a>	<ul style="list-style-type: none"> <li>▪ In the child's native language or other mode of communication; and</li> </ul> <p><b>Citations:</b>  <a href="#">300.304(c)(1)(ii)</a>  <a href="#">TEC 29.004(b)</a></p>
<a href="#">Practice</a>	<ul style="list-style-type: none"> <li>▪ 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;</li> </ul> <p><b>Citations:</b>  <a href="#">300.304(c)(1)(ii)</a></p>
<a href="#">Practice</a>	<ul style="list-style-type: none"> <li>○ Used for the purposes for which the assessments or measures are valid and reliable;</li> </ul> <p><b>Citations:</b>  <a href="#">300.304(c)(1)(iii)</a></p>
<a href="#">Practice</a>	<ul style="list-style-type: none"> <li>○ Administered by trained and knowledgeable personnel; and</li> </ul> <p><b>Citations:</b>  <a href="#">300.304(c)(1)(iv)</a></p>
<a href="#">Practice</a>	<ul style="list-style-type: none"> <li>○ Administered in accordance with any instructions provided by the producer of the assessments;</li> </ul> <p><b>Citations:</b>  <a href="#">300.304(c)(1)(v)</a></p>
<a href="#">Practice</a>	<ul style="list-style-type: none"> <li>• 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;</li> </ul> <p><b>Citations:</b>  <a href="#">300.304(c)(2)</a></p>
<a href="#">Practice</a>	<ul style="list-style-type: none"> <li>• 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 child's aptitude or</li> </ul>

<b>FEDERAL AND STATE REQUIREMENTS</b>	
	<p>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 are the skills the test purports to measure);</p> <p><b>Citations:</b></p> <p><a href="#">300.304(c)(3)</a></p>
<a href="#">Practice</a>	<ul style="list-style-type: none"> <li>The child is 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;</li> </ul> <p><b>Citations:</b></p> <p><a href="#">300.304(c)(4)</a></p>
<a href="#">Practice</a>	<ul style="list-style-type: none"> <li>The evaluation is 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;</li> </ul> <p><b>Citations:</b></p> <p><a href="#">300.304(c)(6)</a></p>
<a href="#">Practice</a>	<ul style="list-style-type: none"> <li>Assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided; and</li> </ul> <p><b>Citations:</b></p> <p><a href="#">300.304(c)(7)</a></p>
<a href="#">Practice</a>	<ul style="list-style-type: none"> <li>It implements assessment procedures that differentiate between language proficiency and disability.</li> </ul> <p><b>Citations:</b></p> <p><a href="#">89.1230</a></p>

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