

SOUTHERN LEHIGH SCHOOL DISTRICT

SECTION: PROGRAMS | POLICY NO. 113.3: SPECIAL EDUCATION EVALUATIONS AND INDEPENDENT EDUCATIONAL EVALUATIONS

ADOPTED: MAY 6, 2013 | REVISED: OCTOBER 28, 2024

113.3: SPECIAL EDUCATION EVALUATIONS AND INDEPENDENT EDUCATIONAL EVALUATIONS	
1. Purpose 22 PA Code 14.122 22 PA Code 14.123 22 PA Code 14.124 22 PA Code 14.125 22 PA Code 14.133 34 CFR 300.226 34 CFR 300.301-300.311 34 CFR 300.502 34 CFR 300.530 Pol. 113 Pol. 113.2	The Board adopts this policy to define the minimum requirements for screening; educational evaluations conducted to determine eligibility for special education services, instructional levels and programming requirements of individual learners, including functional behavioral assessments, and requirements for independent educational evaluations.
2. Authority 22 PA Code 14.122 34 CFR 300.226 Pol. 209	The Superintendent or designee shall create a system of screening that may include early intervening services and must be designed to accomplish identification and initial screening for students prior to district referral for a special education evaluation. The system shall provide support to staff to improve working effectively with students in the general education curriculum, identify students who may require special education services and programs, and must include hearing and vision screening and screening at reasonable intervals to determine whether students are performing at grade-appropriate levels in core academic subjects. Early intervening services shall comply with the requirements of state and federal law and regulations in order to address academic concerns or behaviors that may be impeding success, but which can be resolved through research-based intervention programs in the regular education setting.
4. Guidelines 22 PA Code 14.122 22 PA Code 14.124 22 PA Code 14.133 34 CFR Part 300 34 CFR 300.303 34 CFR 300.303-300.306 34 CFR 300.301-300.311 34 CFR 300.502 34 CFR 300.503 Pol. 113 Pol. 113.1	<u>Parent(s)/ Guardian(s) Request</u> Parent(s)/ Guardian(s) may request an evaluation at any time. The parent(s)/ guardian(s) request must be in writing. If a request is made orally to any professional employee or administrator, that individual shall provide a copy of the permission to evaluate form to the parent(s)/ guardian(s) within ten (10) calendar days of the oral request. The evaluation shall be completed and a copy of the evaluation report presented to parent(s)/ guardian(s) no later than sixty (60) calendar days after receipt of written parent(s)/ guardian(s) consent for an evaluation, exclusive of the period following the last day of the spring school term to the first day of the subsequent fall term.

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Pol. 113.2
PA Assoc for
Retarded Children
(PARC) v. Com. of
Pa., 343 F. Supp.
279 (E.D. Pa.
1975)

Appropriate Evaluation Defined

An appropriate evaluation of a student, whether conducted by school district staff or 3 individuals not employed by the school district, shall consist of the administration of all testing and the use of all assessment procedures required to rule in or rule out the existence of all legally-defined disabilities that school staff, parent(s)/ guardian(s), or the evaluator(s) reasonably suspect the child might have. m. A student shall be assessed in all areas related to the suspected disability including, as appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities. An appropriate evaluation shall use a variety of assessment tools and strategies to gather relevant functional, developmental and academic information about a student. All assessments and evaluation materials shall be selected and administered so as not to be discriminatory on a racial or cultural basis. Where feasible, assessments and evaluations shall be administered in a language and form most likely to provide accurate information about the student. The district shall comply with the requirements of state and federal laws and regulations when conducting evaluations.

The evaluation shall include only that testing and those assessment techniques that are required in light of information currently from previous evaluations, information from parent(s)/ guardian(s) and school staff familiar with the performance of the child, and education records concerning the student. The evaluator(s) shall review all such sources of information prior to conducting testing and assessment. The evaluator(s) shall either review assessments conducted by others that indicate how the student is responding to early intervening services and scientific research-based instruction or, in the absence thereof or in addition thereto, shall include such assessments as part of their evaluation. To the extent that the results of such instructional assessments are inconsistent with the results of norm- or criterion-referenced testing and assessments that the evaluator(s) has administered, the evaluator(s) shall explain in their report, if possible, the reason for the inconsistency.

Testing and assessment procedures shall be selected and administered to yield valid measurement or assessment of the construct or quality they purport to measure or assess. The evaluator(s) shall administer any testing or assessment procedures in a manner consistent with the requirements and recommendations of the publisher of the test or procedure, if any, and in compliance with applicable and authoritatively recognized professional principles and ethical tenets and shall report any factor that might affect the validity of any results obtained.

The evaluation shall include an observation of the student in an educational setting, unless the student is not then currently in such a setting, and the evaluator(s) shall obtain information concerning the performance of the student directly from at least one current teacher of the student, unless the student does not have a current teacher.

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The evaluator(s) shall hold an active certification from the Pennsylvania Department of Education that qualifies the evaluator(s) to conduct that type of evaluation that he or she is conducting of the student. If certification from the Pennsylvania Department of Education is not issued for the particular area of professional practice in which the evaluator(s) is lawfully engaged, the evaluator(s) shall hold such license or other credentialing as required for the area of professional practice under Pennsylvania law. The evaluator(s) shall prepare and sign a full report of the evaluation containing:

1. A clear explanation of the testing and assessment results.
2. A complete summary of all test scores, including, for all standardized testing administered, all applicable full scale or battery scores; domain or composite scores; and subtest scores reported in standard, scaled, or T-score format.
3. A complete summary of all information obtained or reviewed from sources other than testing conducted by the evaluator(s).
4. Identification of all special education and related services needs and relevant information that directly assists persons in determining the educational needs of the student.
5. Specific, individualized recommendations for consideration by the IEP team for educational programming and placement to enable the student to participate as appropriate in the general education curriculum in the least restrictive environment, as defined by federal and state law and regulations.

Re-Evaluations

A re-evaluation of a student who currently has an IEP shall be conducted as required by state and federal law and regulations. Reevaluations shall be conducted within the timeframes required by state and federal laws and regulations unless the parent(s)/ guardian(s) and the district agree in writing that a re-evaluation is unnecessary. For students with intellectual disability, the reevaluation cannot be waived. The group of qualified professionals that reviews the evaluation materials to determine whether the child is a student with a disability shall include a certified school psychologist when evaluating a student for autism, emotional disturbance, intellectual disability, multiple disabilities, other health impairments, specific learning disability and traumatic brain injury.

Copies of the re-evaluation report shall be disseminated to parent(s)/ guardian(s) at least ten (10) days before the meeting of the IEP team unless this requirement is waived in writing.

Functional Behavioral Assessments

The Board authorizes the use of functional behavioral assessments (FBAs) as an evaluation to gather information to understand the purpose of the student's behaviors and to assist with developing a positive Behavior Support Plan, if the student is a student already identified as a student with disabilities or has just qualified for special education supports and services. FBAs must be conducted when:

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1. FBAs may also constitute part of the initial evaluation to determine eligibility for special education.
2. A student's behavior interferes with their learning or the learning of others and information is necessary to provide appropriate educational programming.
3. A student's behavior violates the Code of Student Conduct and is determined to be a manifestation of a student's disability.
4. A student is placed in an interim alternative educational placement for a qualifying reason permitting such placement for up to forty-five (45) school days for certain offenses.
5. The school contacts law enforcement regarding a student who already has a positive Behavior Support Plan.

Independent Educational Evaluations

A parent(s)/ guardian(s) who disagrees with the results or content of an evaluation performed or obtained by the school district may request an independent educational evaluation at public expense. A parent(s)/ guardian(s) is entitled to only one (1) independent educational evaluation at public expense each time the district conducts an evaluation with which the parent(s)/ guardian(s) disagrees. The independent educational evaluation must arise from parent(s)/ guardian(s)' disagreement with the district's most recent evaluations or re-evaluations of the student. The district shall be entitled to a copy of all results of independent educational evaluations conducted at public expense. If an oral request is for an independent educational evaluation is made to a professional employee or administrator, that individual shall inform the parent(s)/ guardian(s) that the request must be in writing. If the native language of the parent(s)/ guardian(s) is other than English, the requirement that the parent(s)/ guardian(s) make their request in writing shall be conveyed by whatever means practicable in the native language of the parent(s)/ guardian(s). A written request for an independent educational evaluation at public expense shall be immediately forwarded to the Department of Special Education and Student Services. Upon request, the district shall provide parent(s)/ guardian(s) information about where an independent educational evaluation may be obtained.

A written request for an independent educational evaluation at public expense shall be immediately forwarded to the Director of Special Education and Student Services, who may, upon receipt of the written parent(s)/ guardian(s) request, ask that the parent(s)/ guardian(s) state their reasons for disagreement with the evaluation conducted or proposed by the district. The district cannot require the parent(s)/ guardian(s) to do so, and the refusal of the parent(s)/ guardian(s) shall not delay the process required by this policy.

The criteria under which the independent educational evaluation at public expense is obtained must be the same as the criteria used by the district in conducting an appropriate evaluation, including the location of the evaluation

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and the qualifications of the examiner, to the extent those criteria are consistent with the parent(s)/ guardian(s)' right to an independent educational evaluation at public expense. The qualified examiners who conduct the independent educational evaluation may not be employed by the public agency responsible for the education of the student.

Within ten (10) school days of receipt of a request for an independent education evaluation in writing from a parent(s)/ guardian(s), the Director of Special Education and Student Services shall either— a. Initiate a due process hearing to show that the district's evaluation is appropriate and notify the parent(s)/ guardian(s) in writing that it has done so; or b. Issue to the parent(s)/ guardian(s) correspondence containing:

1. An assurance that the school district will pay for an independent educational evaluation as long as the evaluation meets all of the requirements of an appropriate evaluation and is in compliance with this policy;
2. A statement that the school district shall not pay for the evaluation until it receives directly from the evaluator(s) a complete copy of a report of that evaluation and determines that the evaluation complies with this policy;
3. A request that the parent(s)/ guardian(s) consider accessing reimbursement for all or part of the evaluation from public or private sources of insurance or reimbursement, together with a clear assurance that the parent(s)/ guardian(s) is not required to do so and that the school district will pay any cost not covered by such sources;
4. Directions that the parent(s)/ guardian(s) is responsible for arranging for the evaluation and for ensuring that the evaluator(s) contacts the Director of Special Education and Student Services to arrange for payment of the evaluation.

If the evaluation has already been conducted and paid for, the district shall issue correspondence advising the parent(s)/ guardian(s) that the school district will not reimburse the parent(s)/ guardian(s) for the evaluation until it receives (1) a complete and unredacted copy of the report of the evaluation and determines that the evaluation is in compliance with this policy, and (2) documentation substantiating that the parent(s)/ guardian(s) paid for or incurred the obligation to pay for the evaluation without reimbursement from a public or private source of insurance or reimbursement. The Director of Special Education and Student Services shall send the correspondence to the parent(s)/ guardian(s) by certified mail or by other independently verifiable means of conveyance and enclose therewith such a copy of this policy.

The Director of Special Education and Student Services shall maintain a list of qualified independent evaluator(s) in each of the various disciplines commonly relied upon to provide education-related evaluations and assessments and shall make that list available promptly to any parent(s)/ guardian(s) who requests it.