

Special Education Evaluations



Council for Children's Rights

Disclaimer

The information provided in this training does not, and is not intended to, constitute legal advice. Instead, all information is provided for general informational purposes only.

What We Do

- * Education Advocacy for Individual Families
 - * Individual representation for students and their legal guardians in need of legal assistance regarding special education, Section 504 Plans, and school discipline.
 - * Families can contact gethelp@cfcrights.org or 704-943-9609 for assistance.
- * Education Navigation
 - * A service centered on students involved in the juvenile court of Mecklenburg County that is intended to address issues related to their education rights, such as inappropriate disciplinary actions, inadequate IEPs or Section 504 Plans (or a total lack thereof), charter schools' failing to meet a student's needs, etc.
 - * Families can contact ELP@cfcrights.org or 704-943-9611 for assistance.
- * Systemic Advocacy
 - * As a small team, we cannot individually assist every family that needs support with education advocacy. By devoting time to strategically elevating significant issues affecting many students, our work can have a greater community impact.
- * Community Trainings
 - * We offer free trainings to community partners and parent groups. Our trainings cover a range of topics related to education advocacy.
 - * Interested parties can contact ELP@cfcrights.org or 704-372-7961.

Agenda

- * Three Quick Notes
- * Overview of Types of Education Interventions
- * Introduction to Special Education Evaluations
- * Common Types of Special Education Evaluations
- * Advocacy Tips
- * Outside Evaluations

Three Quick Notes!

Special Education, aka:

- * The terms “Individualized Education Program” (IEP), “Exceptional Children” (EC), and “Special Education” are often used to refer to the same thing and may be considered interchangeable for the purpose of this training
- * EC services = IEP services = special education

The Special Education Decision Maker (SEDM)

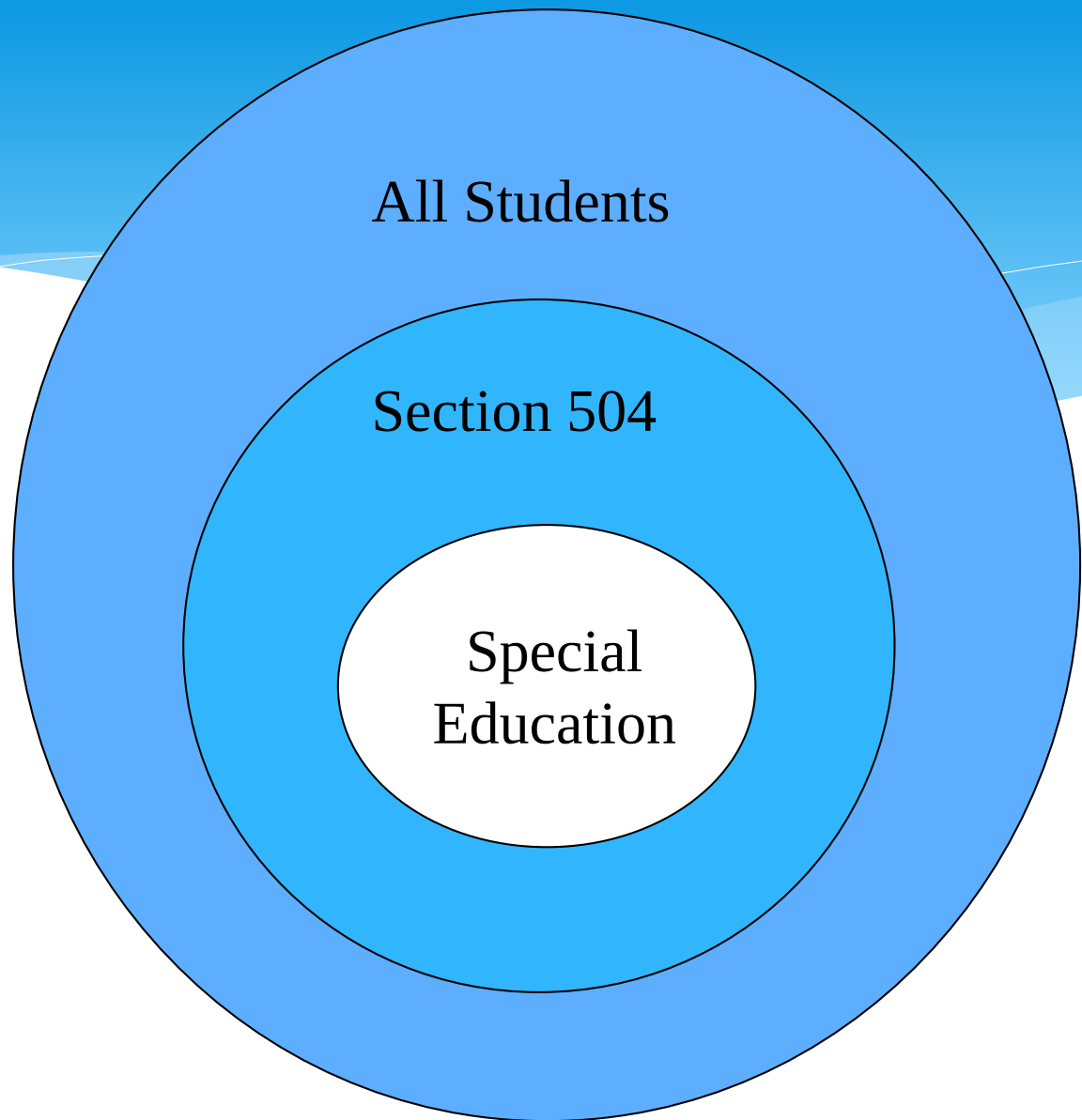
- * The SEDM is a required member of the IEP team and exercises the student's special education rights, such as:
 - * Requesting an EC evaluation
 - * Consenting to EC services
 - * Utilizing dispute resolution strategies
- * Possible SEDM Candidates:
 - * Biological/Adoptive Parent
 - * Non-Therapeutic Foster Parent
 - * Guardian (but not the Department of Social Services)
 - * Kinship Placement
 - * Local Educational Agency (LEA)-Assigned Surrogate Parent
 - * Court-Appointed Special Education Decision Maker
- * For this presentation, we will refer exclusively to the SEDM, rather than any specific individual

Charter Schools

- * Everything discussed in this training applies to charter schools, as well as traditional public school systems
- * Charters must:
 - * Follow NC and federal law for special education and Section 504 Plans, and
 - * Follow NC law on school discipline

Overview of Types of Education Interventions

- * All Students:
 - * Multi-Tiered System of Support (MTSS)
- * Students with disabilities:
 - * Section 504
 - * Special Education



Multi-Tiered System of Support (MTSS)

A Regular Education Initiative

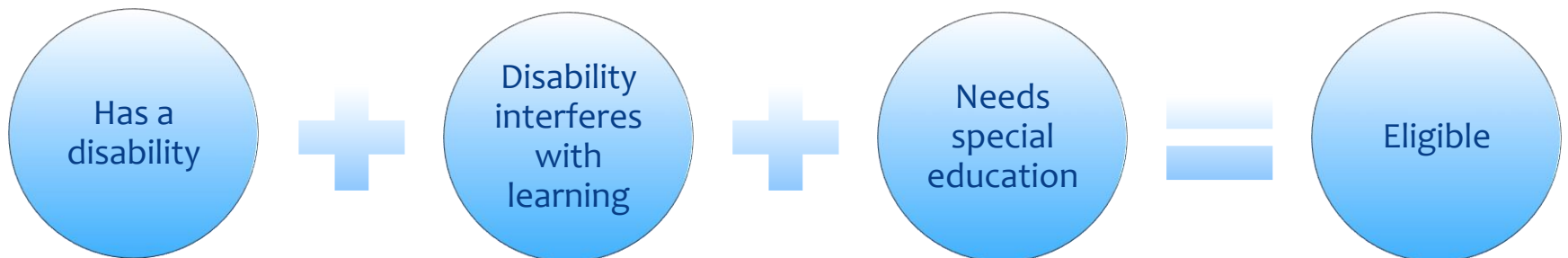
- * Tier 1
 - * All students receive the same academic instruction
- * Tier 2
 - * Tier 1 services, plus
 - * Small group intervention
 - * May include increased time for assignments or more narrowly focused instruction
- * Tier 3
 - * Tier 1 & 2 services, plus
 - * Intensive, individualized supports
 - * Likely includes progress monitoring, 1:1 instruction, and “wrap-around” services

MTSS

- * Key Components
 - * High quality instruction (Tier 1 - all students)
 - * Universal screening to identify students in need of supplemental support (Tier 1 - all students)
 - * Multiple tiers of academic and behavioral support that are progressively more intensive (Tier 2)
 - * Evidence-based interventions matched to student need (Tier 3)
 - * On-going progress monitoring of student performance (Response to Intervention (RTI))
- * Parent participation in this process is important to ensure the student receives the most appropriate supports possible

Who Gets Special Education?

- * To receive special education services, a student must:
 - * Be between the ages of 3 - 21,
 - * Meet criteria for at least one of the 14 disability eligibility categories, and
 - * Have a disability that:
 - * Adversely affects their educational performance, and
 - * Requires specially designed instruction



Who Gets Special Education?

Disability Eligibility Categories

1. Autism Spectrum Disorder
2. Deaf-blindness
3. Deafness
4. Developmental Delay*
5. Emotional Disability
6. Hearing Impairment
7. Intellectual Disability
8. Multiple Disabilities
9. Orthopedic Impairment
10. Other Health Impairment
11. Specific Learning Disability
12. Speech or Language Impairment
13. Traumatic Brain Injury
14. Visual Impairment

What is an IEP?

- * **Individualized Education Program**
- * The IEP document must include:
 - * Student's strengths, weaknesses, and needs
 - * Measurable goals for the student to achieve in the course of a year
 - * The accommodations, modifications, related services, and specially designed instruction necessary to help the student reach the IEP goals
 - * Where the services will be provided (i.e., regular education or special education setting)
- * IEPs are developed by the IEP team, which includes the Special Education Decision Maker (SEDM)
- * Students with IEPs are entitled to a free appropriate public education (FAPE)

IEP vs. Section 504 Plan

- * IEP
 - * Each public school student who receives special education and related services must have an IEP
 - * Allows students to receive specialized instruction
- * Section 504 Accommodation Plan (Section 504 Plan)
 - * For a student with a disability who does not require specialized instruction, but needs accommodations/modifications to make sure they receive equal access to their education
 - * Broader definition of disability
- * If a student has an IEP, they do not require a Section 504 Plan

IEP vs. Section 504 Plan

IEP

- * Sam meets eligibility criteria as a student with a Specific Learning Disability. His IEP provides services with a special education teacher several times a week to address his individual goals in reading, writing, math, and organization. He also receives modified assignments, extended time on tests, and takes tests in a room with fewer students.

Section 504 Plan

- * Erin has severe Myopia (nearsightedness). Her Section 504 Plan requires seating near the teacher/board and all printed materials be presented in a larger font.

IEPs & Section 504 Plans

- * Annual Reviews:
 - * IEPs are required to be reviewed annually, and it is common for Section 504 Plans to be reviewed annually as well
- * Very important for the SEDM/legal guardian to attend IEP and Section 504 meetings and advocate for changes to help their student
- * SEDM/Legal guardian may request an IEP/Section 504 meeting at any time during the year
- * SEDM/Legal guardian should follow up with teachers to make sure services, accommodations, and modifications are being provided as written

Special Education Evaluations

What Are Special Education Evaluations?

- * Tests done by schools to help determine:
 - * If a student is eligible for special education
 - * What supports a student may need on their IEP to receive a FAPE
- * Different than classroom tests because special education evaluations do not:
 - * Measure whether a student has learned recent classroom material
 - * Have any “passing scores”
- * Free to SEDMs

When Are Special Education Evaluations Conducted?

- * Initial Evaluations

- * Before a student is determined to be eligible for an IEP
 - * Child find
 - * Initiated by SEDM
 - * 90-day timeline

When Are Special Education Evaluations Conducted?

- * Reevaluations
 - * All students with IEPs should go through the reevaluation process at least every three years
 - * Request more frequently as necessary
 - * Purpose:
 - * Determine a student's continuing eligibility for special education, and
 - * Inform ongoing educational planning
 - * Students must be reevaluated before special education services are discontinued, unless the student is graduating from high school

SEDM Consent

- * School must obtain written, informed consent from the SEDM before evaluating and again before providing special education services
 - * The SEDM is the only one who can provide this consent

Special Education Evaluations – General Information

- * A variety of assessment tools are used to gather functional, developmental, and academic information about the student
- * Must be provided in the student's native language
- * Must be given by trained and knowledgeable personnel

Types of Evaluations

- * Each disability eligibility category requires specific information for eligibility
- * The full range of appropriate evaluations may include other assessments not explicitly required. For example:
 - * A behavioral assessment when considering a Specific Learning Disability
 - * Determining whether related services are necessary
- * Consult the NC Policies Governing Services for Children with Disabilities for a listing of each disability eligibility category with:
 - * Required evaluations
 - * Eligibility criteria

Which Evaluations Will Be Given?

- * Example: Required screenings and evaluations to determine eligibility in the disability eligibility category of Other Health Impairment include:
 - * Hearing screening;
 - * Vision screening;
 - * Two scientific research-based interventions to address academic and/or behavioral skill deficiencies;
 - * Summary of conference(s) with parents;
 - * Observation across settings;
 - * Social/Developmental history;
 - * Educational evaluation; and
 - * Medical evaluation

Commonly Used Evaluations

- * The most common evaluations students receive during an initial evaluation:
 - * Vision screening
 - * Hearing screening
 - * Educational evaluation
 - * Intended to measure the student's current abilities in basic skills such as reading, writing, and math
 - * Psychological assessment
 - * Typically an IQ test or other assessment designed to measure a student's overall intellectual ability

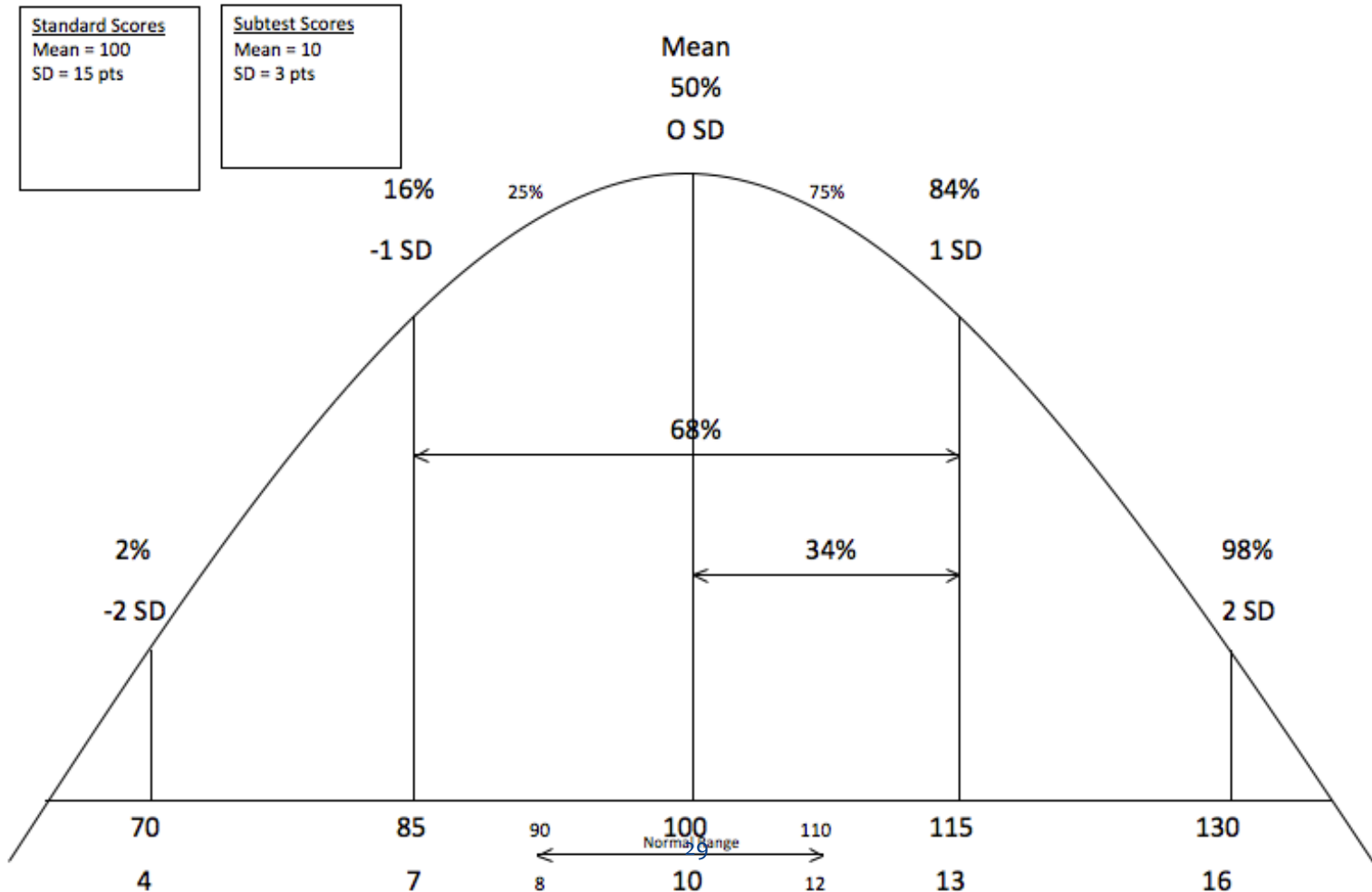
Commonly Used Evaluations

- * Observation across settings
 - * Academic, behavioral, and functional skills
- * Scientific research-based interventions
- * Motor screening
- * Social/Developmental history

Brief Overview of Standard Scores

Intellectual or Cognitive Testing

The Bell Curve



Brief Overview of Standard Scores

- * Psychological and educational assessments report scores in standard scores
- * Mean is 100, and standard deviation is 15
 - * Standard score of 100 is at the 50th percentile
 - * $\frac{1}{2}$ of students will fall above, and $\frac{1}{2}$ of students will fall below
 - * Standard score of 85 is at the 16th percentile
 - * Standard score of 115 is at the 84th percentile
 - * $\frac{2}{3}$ of students will score between 85 and 115 (+1 and -1 standard deviations from the mean)
 - * Standard score of 70 is at the 2nd percentile
 - * Standard score of 130 is at the 98th percentile

Common Psychological (Intellectual) Assessments

- * Differential Ability Scales, 2nd Edition (DAS-II)
 - * General Cognitive Ability (GCA)
- * Reynolds Intellectual Assessment Scales, 2nd Edition (RIAS-II)
 - * Composite Intelligence Index
- * Wechsler Intelligence Scale for Students, 5th Edition (WISC-V)
 - * Full Scale IQ Score (FSIQ) & General Ability Index (GAI)
 - * Verbal Comprehension Index (VCI: Similarities & Vocabulary)
 - * Visual Spatial Index (VSI: Block Design & Visual Puzzles)
 - * Fluid Reasoning Index (FRI: Matrix Reasoning & Figure Weights)
 - * Working Memory Index (WMI: Digit Span & Picture Span)
 - * Processing Speed Index (PSI: Coding & Symbol Search)

Example WISC-V Results

Wechsler Intelligence Scale for Children-5th Edition (WISC-V) (Standard Scores have an average of 100 with a Standard Deviation of 15.)

Index Score	Standard Score	Percentile Rank	90% Confidence Interval	Classification
Verbal Comprehension	118	88	110-123	High Average
Visual Spatial	114	82	106-119	High Average
Fluid Reasoning	118	88	111-123	High Average
Working Memory	100	50	94-106	Average
Processing Speed	77	6	72-86	Borderline
Full Scale I.Q.	108	70	103-112	Average
General Ability Index	120	91	114-124	Superior

Example WISC-V Results

Verbal Comprehension	Description	Scaled Score	Percentile	Classification
Similarities	Verbal concept formation, verbal reasoning	13	84	High Average
Vocabulary	Word knowledge, verbal expression	14	90	High Average
Visual Spatial				
Block Design	Synthesis of part-whole relationships, visual-motor integration	12	75	Average
Visual Puzzles	Visual-spatial reasoning, attention to detail	13	84	High Average
Fluid Reasoning				
Matrix Reasoning	Nonverbal concept formation	12	75	High Average
Figure Weights	Problem-solving, ability to detect important elements among visual objects	14	90	High Average
Working Memory				
Digit Span	Auditory working memory	10	50	Average
Picture Span	Visual working memory	10	50	Average
Processing Speed				
Coding	Short-term visual memory, visual-motor coordination	3	<1	Extremely Low
Symbol Search	Visual scanning and discrimination	9	37	Average

Educational Evaluation

- * Woodcock-Johnson IV Tests of Achievement (WJ-IV)
 - * Often only subtests noted as areas of concern during initial referral IEP meeting are tested
 - * Make sure to bring up all areas of concern
 - * Standard scores follow the normal bell curve with a mean of 100
 - * Scores often reported with their Age Equivalent (AE) and/or Grade Equivalent (GE) as well

Example WJ-IV Results

Woodcock-Johnson Tests of Educational Achievement-Fourth Edition (WJ-IV) Form B (Standard Scores have an average of 100 with a Standard Deviation of 15.)

MATH	Standard Score	Percentile Rank	Age Equivalent	Descriptive Classification
Math Calculation	77	6	6-6	Borderline
Math Fluency	73	4	6-0	Borderline
Math Calc. Skills	72	3	6-3	Borderline
Applied Problems	90	25	7-3	Average
Mathematics	84	14	6-9	Low Average
Broad Math	77	7	6-6	Borderline
READING				
Letter-Word Iden.	87	19	6-11	Low Average
Word Attack	95	37	7-6	Average
Basic Reading Skills	90	25	7-1	Average
Sent. Reading Fluency	90	25	7-1	Average
Passage Compre.	100	49	7-11	Average
Reading	92	30	7-4	Average
Broad Reading	91	27	7-3	Average
WRITTEN LANGUAGE				
Spelling	74	4	6-3	Borderline
Sent. Writ. Fluency	56	0.2	<5-7	Extremely Low
Writing Samples	100	51	8-0	Average
Written Language	88	21	7-0	Low Average
Written Expression	80	9	6-7	Low Average
Broad Writ. Lang.	78	7³⁵	6-6	Borderline

Behavior Rating Scales

- * Behavior rating scales are often expressed in T-scores instead of standard scores
 - * Mean of 50 and a standard deviation of 10
 - * Still follow the statistical properties of the bell curve and its normal distribution
 - * A T-score above 70 or below 30 is considered clinically significant, and 60-69 or 31-40 is considered to be at risk
- * Examples
 - * Behavior Assessment System for Students, 3rd Edition (BASC-3)
 - * Conners Comprehensive Behavior Rating Scales
 - * Vineland Adaptive Behavior Rating Scales, 3rd Edition
 - * Uses standard scores

Functional Behavioral Assessment (FBA)

- * The purpose of an FBA is to determine why the misconduct occurs (i.e., the function or purpose of the behavior)
 - * Examples: Getting attention from peers; escaping a difficult task
- * Best practices for components of an FBA:
 - * Identification of a specific problem behavior
 - * Observations to collect data about the behavior
 - * Interviews of the student, family, and school staff
 - * Identification of the antecedents and consequences surrounding the behavior
 - * Identification of the function of the behavior
- * SEDM/parent/legal guardian should request an FBA if there are problematic behaviors
- * Once complete, the FBA informs the creation or revision of the Behavioral Intervention Plan (BIP)

Behavioral Intervention Plan (BIP)

- * The purpose of the BIP is to put interventions and practices in place to reduce the likelihood that the behavior will occur again
 - * Alter the environment
 - * Minimize triggers
 - * Give the student alternative strategies
 - * Identify meaningful incentives or rewards
 - * Change the responses of adults
- * Interventions should serve the same function as the problematic behavior
- * Reviewed generally every 6 weeks

Eligibility Determination

- * Eligibility Determination occurs during an IEP meeting
- * A student can have more than one area of eligibility
- * To be eligible for special education services, the student's disability must:
 - * Meet the requirements of a listed disability category (handout),
 - * Have an adverse effect on their educational performance, AND
 - * Require specially designed instruction
- * Advocacy Tips:
 - * Review the criteria of the suspected disability categories in advance of the meeting
 - * “Educational performance” is broader than “academic performance” – be prepared to discuss all of the student's needs

Eligibility Determination – Other Health Impairment

- * To determine eligibility under Other Health Impairment, a student must have a chronic or acute health problem resulting in one or more of the following:
 - * Limited strength
 - * Limited vitality
 - * Limited alertness, including heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment
- * The disability must:
 - * Have an adverse effect on educational performance, and
 - * Require specially designed instruction

Advocacy Tip – Review Documentation

- * Submit a written request for evaluation results in advance of the IEP meeting
- * If requested, the school must provide evaluation results before the next IEP meeting
- * If the SEDM does not receive the evaluation results in enough time to review them in detail, they should consider rescheduling the meeting to allow for their meaningful participation

Advocacy Tip – Interpreting Results

- * The IEP team must include someone knowledgeable to discuss evaluation results
 - * Ideally, this person is the same professional who tested the student, but it is not required
- * Prepare
 - * Write down questions to ask
 - * Consider the implications for the IEP:
 - * Goals, related services, accommodations/modifications, special education services
- * Example questions
 - * What were my student's areas of strength?
 - * What types of problems/questions was my student not able to complete correctly?
 - * Do the tests show any patterns of strengths and weaknesses, when looked at as a whole?
 - * What is getting in the way of my student's success in the classroom?
 - * What types of modifications in school will help my student?
 - * How should my student's lessons be specialized to meet their learning style and needs?

Advocacy Tip – Individualized Support

- * Evaluations are meant to help understand a student's unique strengths and needs
- * Evaluation results should be used to create an individualized education program
 - * Specific goals for academic, behavioral, and functional needs
 - * Accommodations and modifications that will help the student access their education
 - * Related services enabling the student to benefit from their special education
 - * Special education services designed to help the student meet their IEP goals

Outside Evaluations

- * Evaluations not conducted by the school must still be considered:
 - * During the initial referral IEP meeting
 - * During eligibility determination
 - * Throughout the life of the IEP
 - * May prompt the opening of a reevaluation
- * SEDM should share outside evaluations with the school when relevant to education needs
 - * Be sure to redact any sensitive information that is not necessary to understanding the educational implications of the document

Independent Educational Evaluation (IEE)

- * An IEE is performed by a qualified professional not employed by the school district
- * The school will pay for the IEE or file a due process claim
- * SEDM has the right to an IEE if:
 - * The school's evaluation does not accurately reflect the student's skills and deficits
 - * The school's evaluation is incomplete
 - * The school refuses to perform a requested evaluation

IEE

- * Requesting an IEE
 - * SEDM must put the request in writing (letter/email)
 - * Send the letter to the student's EC case manager
 - * The letter/email should express disagreement with the district's evaluation
 - * SEDM is not required to explain why they disagree with the evaluation

Contact the Education Law Program

- * Educational Advocacy for Individual Families
 - * GetHelp@cfcrights.org
 - * (704) 943-9609
- * Education Navigation
 - * ELP@cfcrights.org
 - * (704) 943-9611
- * Training Requests
 - * ELP@cfcrights.org
 - * (704) 372-7961

Helpful Resources

- * North Carolina Department of Public Instruction:
 - * <http://www.dpi.state.nc.us>
 - * Exceptional Children Division: <https://ec.ncpublicschools.gov/>
- * NC Policies Governing Services for Children with Disabilities
 - * <https://ec.ncpublicschools.gov/policies/nc-policies-governing-services-for-children-with-disabilities>
- * Exceptional Children's Advocacy Center:
 - * <http://www.ecac-parentcenter.org/>
- * LawHelpNC:
 - * <https://www.lawhelpnc.org/issues/education>
- * A Parent's Guide to Special Education in NC:
 - * <https://law.duke.edu.childedlaw/special-education-nc/>

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