

# C-SEP Alignment with Virginia's

# "Standards-Based Individualized Education Program (IEP) Guidance"

According to the Individuals with Disabilities Educational Improvement Act (IDEA) (2004) and Virginia Regulations at 8VAC-20-81-10, a Specific Learning Disability (SLD) is defined as "a disorder in one or more basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations, including conditions such as perceptual disabilities, brain injury, dyslexia, or developmental aphasia." According to both, SLD "does not include learning problems that are primarily the result of visual, hearing, or motor disabilities; of intellectual disabilities; of emotional disabilities; of environmental, cultural, or economic disadvantage (§ 22.1-213 of the Code of Virginia; 34 CFR 300.8(c)(10))." (Virginia Department of Education, 2014: 6).

Virginia Department of Education (2018) Evaluation and
Eligibility For Special Education and Related Services:
Guidance Document

### **Core-Selective Evaluation Process**

### **Evaluation Process**

### **Evaluation for Identification of a Disability**

There are common questions surrounding evaluation and subsequent eligibility for students suspected of having a disability. Educators and families must navigate specific steps in the process required by federal law, Virginia special education regulations, and local policies or procedures. The process for determining whether a student is eligible for special education involves reviewing information and observations about the student, determining the need for individual assessments and observations, reviewing and interpreting the results of any assessments, and making an eligibility determination. Documentation of the process is required and school staff must follow all regulations and policies. (p. 7)

### **Related Service Consideration**

The IEP Teams must follow appropriate procedures for evaluation to determine if the related service requested is required in order for the student to benefit from their special education program. The group authorized to make decisions about related services is the IEP Team, not the eligibility committee. However, the evaluation requirements for related services are the same as those for identification of a disability. (p. 7)

School staff and families should collaborate during the evaluation and eligibility process. Discussions with families and reports provided to families should minimize technical and specialized language. It is important to clearly explain procedures and criteria and address parental concerns. The Virginia Department of Education (VDOE) Parent's Guide to Special Education is available online at

### **Evaluation for Identification of a Disability**

The Core-Selective Evaluation Process (C-SEP) is a strengths and weaknesses (PSW) model that was introduced in 2015 (Schultz & Stephens, 2015). In the simplest of terms, C-SEP is constructed upon a set of best assessment practices, including the importance of professional judgment (Schultz & Stephens, 2009), the thorough consideration of exclusionary factors (Stephens et al., 2013), and the use of multiple sources of data (MSD) to establish a pattern of strengths and weaknesses (PSW) (Schultz, Simpson, & Lynch, 2012). The entire C-SEP framework is established on, and advocates its users adhere to obey, the federal and state legal requirements as well as the professional regulations that guide our profession.

### **Related Services Consideration**

Regardless of the assessment methods utilized by IEP Team members, they must adhere to all applicable federal, state and local laws. According to Virginia protocol, the IEP Team is responsible for making decisions about student eligibility as well as the conditions and services they will receive. For an overview of who should be included in the IEP Team and its tasks, see Virginia Department of Education (2016: 7).

Students can be referred as a result of screening conducted by the school or individuals that suspect a disability (e.g., a parent).

Collaboration is fundamental to the conduct of a comprehensive and individualized assessment of all areas of suspected disability that is capable of identifying a child's

www.doe.virginia.gov and may assist parents in understanding the special education process. The VDOE Training and Technical Assistance Centers, Parent Resource Centers in school divisions, VDOE's TTAC Online website, the Center for Family Involvement, and the Parent Educational Advocacy and Training Center (PEATC) provide additional information and resources for parents and educators. (p. 7-8)

strengths and weaknesses, from whereupon sound conclusions can be deduced and, a determination made. Within this frame, parental involvement and participation is important to a child's success (Virginia Department of Education, 2021: 5). Parental consent and participation should be acquired and managed according to applicable federal and state regulations. To determine who qualifies as a parent in terms of evaluations, see the respective federal (34 CFR 99.4 and 34 CFR 300.30) and state (8VAC20-81-10; § 20-124.6 and § 22.1-213.1 of the Code of Virginia) laws. Additional information is available in VDOE *Parent's Guide to Special Education*.

### **Parental Rights and Procedural Safeguards**

School divisions must be aware of when the referral for evaluation process begins because of the obligations for the school division and procedural safeguards for parents. (p. 8)

Procedural safeguards notice that describes parental rights must be provided to parents at least once per year and then again at specific times. Events that require the school division to provide an additional copy of the procedural safeguards are:

- 1. at the time of initial referral for special education,
- 2. when the eligibility team proposes to change the student's identification,
- 3. when requested by the parents,
- 4. when the first state complaint is filed during the year,
- 5. when the first request for due process is made during the year, and
- 6. when a decision is made to make a disciplinary removal that constitutes a change in placement because of a violation of the code of student conduct. (p. 8)

A copy of Your Family's Special Education Rights, Virginia's procedural safeguards document, can be found online at www.doe.virginia.gov and should be readily available within the school division. (p. 8)

# **Parental Rights and Procedural Safeguards**

While beyond the scope of an evaluation method, parents should be explicitly notified of their rights and procedural safeguards.

See the Virginia Department of Education protocol on when a copy of the procedural safeguards must be provide to parents.

# **Meeting Notification**

Virginia regulations require that parent(s) receive meeting notice to ensure that they have the opportunity to participate in meetings. Requirements for meeting notice include: purpose, date, time, location, and who will be in attendance. Meeting notice may include more than one purpose. (p. 8)

# **Meeting Notifications**

In addition to the legal requirements, C-SEP recognizes the value of having parents attend meetings concerning their child's academic, social and behavioral wellbeing. Virginia sets clear minimal standards for what data should be included in the meeting notification provided to parents.

### **Prior Written Notice**

The Virginia special education regulations require that parents receive prior written notice (PWN) within a reasonable time when school divisions propose or refuse to conduct an evaluation, initiate or change a student's identification, educational placement, or the provision of a free appropriate public education (FAPE). There are seven items that must be included in a prior written notice. (p. 9)

Table 1. The Seven Elements of Prior Written Notice (p. 9)

- 1. Description of the action that the school division proposes or refuses to take.
- 2. Explanation of why the school division is proposing or refusing to take action.
- 3. Description of any other options that the team considered and the reasons why those options were rejected.
- 4. Description of each evaluation procedure, assessment, record or report the school division used as a basis for the proposal or refusal.
- 5. Description of any other factors that are relevant to the school division proposal or refusal.
- 6. A statement that the parent(s) of a child with a disability have protection under Virginia's procedural safeguards.
- 7. Resources for the parent to contact for help in understanding the Individuals with Disabilities Education Act (IDEA) and the related federal and Virginia special education regulations. (p. 9)

This notice must be written in language that is understandable to the general public and provided in the native language of the parent(s) or other mode of communication used by the parent(s). A sample Prior Written Notice form is included in Appendix A. Including a prior written notice form, in the student's education record, documents that the school division met its responsibility to provide the parent with this critical information. (p. 9)

A local education agency may include certain portions of PWN in their special education forms to address a proposal, however this is not sufficient and requires additional documentation to address any refusals, options considered, data used as the basis of the decision, and other relevant factors. (p. 9)

### **Prior Written Notice**

Virginia requires prior written notice be given to parents and has established guidelines for the purpose, timing and content. These rules must be adhered to.

The seven items that must be included in the prior written notice can be determined using the C-SEP method. Subsequent to collecting, analyzing and interpreting the data, it should be possible to:

- Explain to the parent which action the school is taking (refusing to evaluate or proceeding with an evaluation)
- 2. Interpret and reference the data examined to explain the decision.
- 3. Outline other options the team has considered and why these options were rejected.
- 4. Describe the evaluation procedures, the assessment process, and data used to make the decision.
- 5. Identify and articulate other additional factors that are relevant to the decision
- 6. Outline the rights and protections that a child with a disability has in Virginia.
- 7. Make the parent aware of available resources that can help explain the applicable federal and state regulations.

According to federal and state law, the prior written notice must be written in the native language of the parent or communicated through some other acceptable method. Proof that notification was provided must be documented per Virginia standards.

The prior written notice should offer sufficient details to explain why an evaluation is need, or was refused, and this information can be utilized. However, a prior written notification, in and of itself, is insufficient for completing other special education forms and, therefore, must have other supporting data.

### **Referral for Evaluation**

# Suspicion of a Disability

The evaluation and eligibility process begins at the point the student is suspected of having a disability that requires specially designed instruction. This suspicion of a disability is usually documented on a "referral for evaluation" form. In Virginia, a referral for evaluation can come from any source or individual. For example, a referral may result when:

- A parent or teacher suspects a disability and contacts the special education administrator.
- The results of a mass screening indicate a suspicion of a disability. (p 10)

A referral can be made in writing, orally, or using electronic communication. The referral must be documented and included in the student's education record. Documentation must include the name of the referring source, date, a description of the concerns and information about any strategies attempted. The parent must be provided with a copy of the Procedural Safeguards Notice. (p. 10)

Referrals may also come from a school-based team. Examples of this include:

- A school team that is working to provide strategies and supports suspects a disability.
- A parent or teacher has a concern about a student and contacts the principal who is not the special education administrator's designee. The principal then asks the school-based team to review the information and make a determination if a referral for evaluation is needed. (p. 11)

The 65 business days timeline begins when the special education director or designee receives the referral for evaluation. When the referral goes directly to the special education administrator or designee, that individual has three business days to decide upon one of three options. The special education administrator or designee may:

- Begin the initial evaluation procedures,
- Refer the child to the school-based team to review and respond to the request, or
- Deny the request, and provide prior written notice. (p. 11)

If the special education administrator or designee decides to begin the initial evaluation procedures, the first step is to document the decision in the student's education record. (p. 12)

### **Referral for Evaluation**

### Suspicion of a Disability

An evaluation and determination of eligibility process starts with a child being suspected of having a disability. A referral can be presented by a parent, a teacher, through Early Intervention, or from a screening (see also Virginia Department of Education, 2021: 7). The referral should be presented in a manner that adheres to Virginia guidance. A referral can be made based upon:

- A parent or teacher's expressed suspicion
- Mass screening with findings that suggest
- A school-based team suspecting or being appointed to examine

According to Virginia Department of Education (2021: 7), a referral permits:

the team a valuable opportunity to review core instruction and interventions attempted as well as concerns about the student...Documentation of core instruction and interventions provided to address the concerns as well as the degree of progress made while the student received such instruction and interventions, should be carefully reviewed. Additional factors should be considered, such as the student's cultural and linguistic differences and socio-economic factors (refer to additional information below), access to high quality instruction and other relevant information to determine if a disability is suspected and if the LEA should move forward with an evaluation.

Guidelines for how a referral can be made, how it is recorded, and its content are spelled out in Virginia guidance. See Virginia Department of Education (2014; 2018; 2021) for additional information.

Virginia Department of Education (2014) suggests that several methods of evaluation processes can be utilized. More specifically, Response to Intervention (RtI) and Alternative Based Approaches, such as C-SEP, are recognized (Virginia Department of Education, 2014: 11-12).

The next step is to hold a meeting to review existing data. (p. 12)

If the special education administrator or designee's decision is to refer the request to the school-based team, that group then has ten business days to meet. This team must have the same composition as an IEP Team and is represented as the Optional Meeting. (p. 12)

In the event the special education administrator or designee decides that an evaluation is not warranted, prior written notice must be provided to the parent. The prior written notice must contain all of the required elements. It should focus on the reasons the special education administrator or designee determined that the student is not suspected of having a disability and/or does not require specially designed instruction. The required elements of prior written notice are listed above. (p. 12)

If the referral goes first to a school principal or the principal's designee, such as an assistant principal or the school's student assistance team leader, the team must meet within ten business days from receipt of referral to determine whether an evaluation is necessary. If the team suspects a disability and decides an evaluation is warranted, it has three business days to forward the referral to the special education administrator or designee. In this situation, the 65 business day timeline would begin when the special education administrator receives the referral for evaluation from the school team. (p. 12)

### **Related Service Consideration**

When a member of the IEP Team suspects that a related service may be required for the student to benefit from special education, the IEP Team should document the request for an evaluation and follow all procedural steps required for evaluations.

School staff may conduct evaluations to assist the IEP Team in determining if related services are required to assist a child with a disability to benefit from special education. Gathering data that will result in an IEP Team decision regarding related services is an evaluation under Virginia Regulations and require parental consent.

An evaluation for related services may be requested when a member of the IEP Team:

suspects the student may require a related service;

Virginia state guidance establishes the 65 business day timeline begins on the day the special education director or designee receives the referral for evaluation. If the referral is made directly to the special education administrator or designee, they have 3 business days to determine:

- To start the initial evaluation procedures,
- To refer the child to a school-based team whom will review and respond to the request,
- To deny the request and provide prior written notice.

If it is decided to begin the initial evaluation, the decision must be documented and reported in the student records.

Thereafter, according to the C-SEP model, as much data as possible which shows a pattern of strengths and weaknesses (while also paying special attention to the area(s) of suspected concern) be collected by the team. This existing data is then reviewed in a meeting (see Virginia Department of Education, 2021: 9).

If the case is referred to the school-based team, they have 10 business days to convene. The composition of this team should be the same as an IEP Team. See Virginia guidelines for additional information.

If it is decided that an evaluation is unwarranted, then a prior written notice must be provided to the parent. See the above information on prior written notice and Virginia regulations which specify the particularities concerning the notice.

If the case is referred to a principle or other individual, it should be passed to the school-based team that has 10 business days to convene to determine whether an evaluation is warranted. The composition of this team should be the same as an IEP Team. If the team decides to an evaluation is warranted, it has 3 business days to forward the referral to the special education administrator or designee. When the special education administrator receives the referral, the 65 business day timeline begins. See Virginia guidelines for additional information.

### **Related Service Consideration**

According to Virginia protocol, if an IEP Team member suspects a student requires related services, the request should be documented and evaluation procedures adhered to.

- suspects the student may no longer require the related service;
- suspects a change in the student's status; or
- requires additional information to draft appropriate goals or treatment plans.

Documentation of this discussion in the IEP meeting provides proof that the procedural steps were followed including: provision of PWN, decision whether or not to evaluate, and if appropriate parental consent, and the date for calculation of the 65 day timeline. (p. 12)

According to C-SEP, a comprehensive evaluation requires the participation and assistance of school staff, parents, and other stakeholders. Moreover, according to federal and state law, parental consent must be obtained prior to conducting an evaluation. IEP Team members and others involved in the evaluation should consult federal and state regulations.

In Virginia, a related service evaluation can be requested when a member of the IEP Team:

- Suspects the student may require a related service;
- Suspects the student may no longer require the related service;
- Suspects a change in the student's status; or
- Requires additional information to draft appropriate goals or treatment plans.

When using C-SEP, the necessary data should be collected, merged and interpreted. This process and its findings should be discussed in an IEP meeting, outlining which data and why this data was collected, what the data suggests, and which decision was made according to the findings. If a formal evaluation is

### **Team Review of Referral**

When a referral for evaluation is received from an individual or as a result of mass screening, the special education administrator may elect to have the referral reviewed by a Team. During this optional step, the Team must have the same composition as an IEP Team. This step may be documented using the Team Review of Referral and Team Review of Existing Data Summary form. The Team may determine that it does not suspect a disability and an evaluation is not warranted. If the Team does suspect a disability, they make a recommendation for evaluation to the administrator of special education within three business days. The Team must provide appropriate meeting notice and prior written notice regarding the proposal or refusal to the parents. (p. 13)

It is important to note that if the Team met as a result of a request from the administrator of special education, the 65 business day timeline began when the special education director or designee received the initial request. (p. 13)

### **Team Review of Referral**

As outlined above, a referral can be forwarded to a Team for review. The team must be composed of the same members as an IEP Team. Virginia requires that the Team Review of Referral and Team Review of Existing Data Summary form be utilized. The Team can decide that either an evaluation is not warranted or that it is necessary because they suspect a disability. In the latter case, the Team should refer the case to the administrator of special education within 3 days. The Team must also provide appropriate meeting notice and prior written notice regarding the proposal or refusal to the parents. C-SEP users should thoroughly collect, merge and evaluate the available data whereupon a decision to (not to) test is made.

According to Virginia, if the administrator of special education referred the case to the Team, then a 65 day timeline began when the special education director or designee received the initial referral.

### **Review of Existing Data**

As part of an initial evaluation or re-evaluation, the team must complete a review of existing data. This step may be documented using the Team Review of Referral and Team Review of Existing Data Summary form. The team, including the parent, reviews:

- information provided by the parent(s) of the child,
- 2. the student's education record, and
- 3. observations by teachers and related services providers. (p. 13)

Based on the review of this existing data and input from the child's parent(s), the team determines if any additional data is needed to determine whether the child is, or continues to be a child with a disability and the educational needs of the student. (p. 13)

### **Related Service Consideration**

As part of any evaluation, the IEP Team must complete a review of existing data. The Team, including the parent, reviews:

- information provided by the parent(s) of the child,
- 2. the student's education record, and
- 3. observations by teachers and related services providers.

Based on the review of this existing data and input from the child's parent(s), the IEP Team determines if any additional data is needed to determine if related services are required.

If the review of existing data, including observations by teachers and related service providers, provides sufficient data and indicates that further assessment is not required, and parents agree, the IEP Team may use the existing data to make a determination for related services. Prior written notice must be provided for parental requests for an evaluation or re-evaluation. The prior written notice must include all required information. (p. 14)

If the review of existing data, including observations by teachers and related service providers, supports the suspicion of a disability and indicates that further assessment is not required, and parents agree, the team may schedule an eligibility meeting and use the existing data to make a determination. Prior written notice must be provided for parental requests for an initial evaluation, a re-evaluation, and for a triennial. The prior written notice

# **Review of Existing Data**

A review of existing data must occur during all assessments, whether an initial evaluation or a reevaluation. C-SEP adheres to this mandate. The data collected and analyzed should be documented according to Virginia regulation via the Team Review of Referral and Team Review of Existing Data Summary form. Among the data collected and reviewed by the Team, C-SEP and Virginia Department of Education (2021; 2018) require, at minimum:

- Information provided by the parent(s) of the child,
- 2. Current performance (grades, state assessments)
- The student's response to research-based intervention
- 4. The student's education records,
- Observations by teachers and related services providers.

Once the data has been collected, merged and analyzed by the Team, a decision should be made whether additional data is required to make a sound decision on whether the child is suspected of having a disability (initial referral) or continues to have a disability (reevaluation). When a disability is suspected, the educational needs of the student should also be considered and documented.

### **Related Service Consideration**

See above.

Subsequent to the data being collected, merged and analyzed by the Team, including observations by teachers and/or related service providers, if the parent and other Team members agree that no further assessment is warranted, the IEP can make a decision using the data they have in possession. Prior written notices that adhere to Virginia state law (and noted above) must be provided for parental requests for an (re)evaluation.

If, after the data being collected, merged and analyzed by the Team, including observations by teachers and/or related service providers, the Team suspects a disability but they determine that additional data must not be collected, the Team should schedule an eligibility meeting where the existing data can be used to make a determination. Prior written notices that adhere to Virginia state law (and noted above) must be provided for parental requests for an

must include all required information noted above. (p. 14)

Examples of situations in which a review of existing data and observations by teachers and related service providers may be sufficient to determine eligibility include situations where:

- reports received from another school or private provider include content that reflects the educational needs and provides information about an observation and needs for specially designed instruction,
- for re-evaluation, a student who was previously found eligible and has multiple, previous evaluations on file, or
- a student who moves into a school division from another state, and the parents share observations and reports from previous eligibility determinations, and the committee determines that no additional information is necessary. (p. 14)

Sources and Examples of Existing Data (p. 15)

Sources and Exc	imples of Existing Data (p. 15)
Parents	Developmental and social history
	<ul> <li>Parent perception of the student's possible disability</li> </ul>
	<ul> <li>Information about the student's learning and any behavioral issues</li> </ul>
	<ul> <li>Parent input on the student's educational experiences and motivation</li> </ul>
	<ul> <li>Copies of outside evaluations and reports</li> </ul>
Student Record	<ul> <li>Assessment results (Standards of Learning,</li> </ul>
	<ul> <li>Phonological Awareness and Literacy Screening, etc.)</li> </ul>
	<ul> <li>Universal screening or progress monitoring data using a Response to Intervention (RtI) process</li> </ul>
	<ul> <li>Record review (attendance, report cards, etc.)</li> </ul>
	<ul> <li>Discipline reports</li> </ul>
	<ul> <li>Medical/health records</li> </ul>

(re)evaluation or triennials.

According to Virginia, there are times when the data collected, merged and analyzed by the Team, including observations by teachers and/or related service providers, may be sufficient to determine eligibility include:

- reports received from another school or private provider include content that reflects the educational needs and provides information about an observation and needs for specially designed instruction,
- for re-evaluation, a student who was previously found eligible and has multiple, previous evaluations on file, or
- a student who moves into a school division from another state, and the parents share observations and reports from previous eligibility determinations, and the committee determines that no additional information is necessary.

Within the C-SEP framework, the existing data should be carefully considered with other data available. The combination should clearly indicate a student's strengths and weaknesses, and be sufficient to make a legally defensible decision whether the child does not warrant further evaluation or they are suspected of having a disability and require additional testing.

### **Sources and Examples of Existing Data**

C-SEP advocates the collection of multiple sources of data using numerous methods as required by federal and state law. This data should be collected as a team, with individuals contributing according to their position and expertise. Parents should provide information on the family, culture, the child's social and behavioral status, their educational and health history, and so forth. This information can be collected via interviews, forms, face-toface meetings, or a combination of these. By comparison, teachers can contribute information including observations, grades, work samples, formal and informal testing, as well as insight into behavior, motivation and attendance. Data can be collected from teachers using questionnaires, interviews, or during meetings, in addition to the materials that they can provide as a result of their contact with the student (e.g., work samples). All data should be carefully collected, organized, merged, documented, interpreted and considered as a whole.

Virginia guidelines offers a useful list of data sources that, at minimum, we recommend be included. See Virginia guidance.

	<ul> <li>Developmental assessments for young children</li> </ul>
Observations	<ul> <li>Formal observations conducted to gather information about a student's response to instructional strategies and the learning environment</li> <li>Informal observations by teachers and staff working with the student</li> </ul>

There are many pieces of information that the team should consider when reviewing existing data. Common examples of existing data that teams may review are provided in Table 2. Parent input may be gathered through interviews, questionnaires, or during meetings. Information provided by parents should be documented and included in the summary of the review of existing data. (p. 16)

The team should also review the student's school experience, data and information from pre-referral interventions, documentation of strategies attempted and the results, and if implemented, any information from a response to intervention (RtI) process. (p. 16)

The team may choose to review the disability categories that are likely to be considered at the eligibility meeting and review the criteria included in the Virginia special education regulations to ensure that existing data are sufficient to satisfy eligibility criteria. After the review of existing data and eligibility criteria, the team must determine if any additional data are required to determine if a child is or continues to be a child with a disability and the educational needs. Documentation of the review and decision for the need of any additional data should be included in the student's education record. (p. 16)

### **Gathering Additional Data**

If the team determines that additional data are required, they must document the types of data to be gathered and obtain informed parental consent. Appendix A includes a sample form. A variety of assessment tools and strategies should be used to gather functional, developmental, and academic information and ensure that no single measure or assessment will be the sole criterion for determining whether a child is a child with a disability. (p. 16)

See above.

As part of the pre-referral data collected from school records (e.g., attendance, discipline), a child's previous or existing experience with interventions, accommodations, supports or modifications that may have been provided in the past should likewise be documented and considered. Such considerations should also include a student's involvement with RtI, its purpose, focus, methodology, duration and outcome. This data, like others, should be merged and considered with alternative sources. For more information, see Virginia Department of Education, 2021: 16).

The team is encouraged to review federal and state law to determine which disability categories should be considered at the eligibility meeting. After reviewing the data and the eligibility criteria established at the federal and state levels, a Team must consider whether additional data needs to be collected prior to making a determination of whether the child continues to be or is suspected of having a disability and is in need of services. The data collected and analyzed should be documented along with the decision made based upon the data (and any need for additional) should be included in the student's education record according to Virginia regulations.

### **Gathering Additional Data**

If the Team determines that additional data are required, they must document the types of data to be gathered and obtain informed parental consent. Federal and state law, in addition with C-SEP best practices, require that a variety of assessment tools and strategies be used to gather functional, developmental, and academic information and ensure that no single measure or assessment is the sole criterion for determining whether a child is a child with a disability (see, for example, Virginia Department of Education, 2021; 2018).

### **Related Service Consideration**

When IEP Teams ask a related service professional to gather new data on a specific student this is an evaluation according to Virginia Regulations. Parental consent is necessary when any assessment instrument is administered or formal observation is conducted to gather new observation data that will be used for decision making purposes. The professional determines the depth of assessment and domains to be examined based on input from the team and concerns about the student's ability to benefit from their special education program. Assessment practices should have educational focus and provide information on functional skills. (p. 16)

Additional data may be in the form of an observation of the student, data from strategies implemented with the student, or a formal assessment in one or more areas using standardized, criterion referenced, or other types of measures. Common assessment areas include academic, communication, motor, adaptive functioning, social or behavioral, hearing, vision, vocational, and cognitive or intellectual. Informed parental consent is required prior to completing new assessments. (p. 16)

The Virginia Special Education Regulations include both general definitions of the disability categories, as well as specific criteria for determining eligibility in each category. Sample forms in Appendix A include criteria for each disability area. In addition, certain requirements apply to all disability categories, such as determining educational impact, educational needs, and academic and behavioral information from an observation. An eligibility team should consider each of the criteria for the suspected disabilities and should ensure that data collected will be sufficient to determine if a child is or continues to be a child with a disability. School division policies and procedures may require additional assessment components for specific disability areas such as a medical evaluation or use of a specific assessment tool or test. (p. 16)

Additional data may be in the form of an observation of the student, data from strategies implemented with the student, or a formal assessment in one or more areas using standardized, criterion referenced, or other types of measures. Common assessment areas include academic, communication, motor, adaptive functioning, social or behavioral, hearing, vision, vocational, and cognitive or intellectual. Informed parental consent is required prior to

### **Related Service Consideration**

When an IEP Team requests additional data be collected, this is considered a part of a comprehensive and individualized assessment. Consequently, parental inform consent will have to be acquired as dictated by federal and Virginia state law. The professional must determine the depth of the assessment and the domains assessed according to the input provided by the Team and the child's area(s) of concern(s) and services required. The assessment should be targeted on obtaining data on functional skills in the context of education.

In instances where additional data is required, it can be collected using multiple methods and via various sources. For instance, additional observations of the student might be conducted. Similarly, formal assessments could be administered with the child. Under the C-SEP framework, further testing would target the areas of concern and should be administered to acquire data that hitherto is not represented.

When determining which disability categories should be considered, Team members should review federal and state law. The Virginia Special Education Regulations include both general definitions of the disability categories, as well as specific criteria for determining eligibility in each category (See, for example, Virginia Department of Education, 2014; Virginia Department of Education, 2018). In addition, certain requirements apply to all disability categories, such as determining educational impact, educational needs, and academic and behavioral information from an observation. An eligibility team should consider each of the criteria for the suspected disabilities and should ensure that data collected will be sufficient to determine if a child is or continues to be a child with a disability. School policies and procedures may require additional assessment components for specific disability areas such as a medical evaluation or use of a specific assessment tool or test.

completing new assessments. (p. 17)

### **Parental Consent for Evaluation**

Parental consent means the parents have been fully informed of all information related to the evaluation in the parents' native language, or other mode of communication and that they understand and agree, in writing, to the carrying out of the evaluation. The consent form should describe the evaluation components and list the records (if any) that will be requested from medical or other educational providers. Parental consent must also be obtained prior to the release of any information to outside providers. (p. 17)

Parental consent is necessary when: any assessment instrument is administered or formal observation conducted as part of an initial evaluation or re-evaluation. However, parental consent is not required before the review of existing data as part of an evaluation, teacher and related service provider observations for re-evaluations, ongoing classroom evaluation, or the administration of, or review of, the results of assessments that are administered to all children in a class, grade, or school, such as universal screeners like Phonological Awareness Literacy Screening (PALS), etc., unless parental consent is required before administration to all students. (p. 17)

Data Sources and Parental Consent Requirements (p. 17)

Parental Consent Required	<ul> <li>New assessment instrument administered to student</li> <li>Formal observation conducted for initial or re-evaluation</li> </ul>
Parent Consent Not Required	<ul> <li>Review of existing student data (e.g., class work, attendance records, discipline logs)</li> <li>Review of data gathered for all students (e.g., PALS, SOLs)</li> <li>Observations made by existing service providers listed in the student's IEP</li> </ul>

If a parent refuses consent for an initial evaluation, the child cannot be evaluated. If the school division believes an evaluation is warranted, the school division may request mediation or initiate a due process hearing to resolve the dispute and permit the school division to conduct the evaluation. (p 17)

A parent who has provided consent for an initial evaluation may revoke that consent any time prior to the evaluation

### **Parental Consent for Evaluation**

According to federal and Virginia state law, parents must provide informed consent before a child can be evaluated for a specific learning disability. Informed consent means that the parent has been provided all of the information pertaining to the evaluation and how it is to be conducted (e.g., what data will be collected; how data will be collected). Information should be provided in the parent's native language, or through other modes of communication that they understand. Informed consent must be provided in writing.

Consult federal and Virginia state guidance for precisely when informed consent is required and when it is not.

Regardless of the methodology used to conduct evaluations, if a parent refuses consent for an initial evaluation, the process can not be pursued. In Virginia, a school may select to engage in mediation or due process if they feel that a child should be evaluated. Consult Virginia state law for more details.

According to federal and state law, a parent may revoke consent at any time. If a parent revokes consent, the

occurring. If parental consent is revoked, the school division can pursue mediation or due process, or stop the evaluation-eligibility process. At this point, the rights and obligations associated with IDEA and Virginia Special Education Regulations no longer apply. (p. 17-18)

### **Related Service Consideration**

For some related service providers, a primary source of data may be observation of the student in the learning environment. This observation data may provide information on multiple domains (e.g., fine motor and gross motor). Professionals should consider including the specific domains or areas reviewed during the observation. (p. 18)

If the evaluation has been completed, a parent can no longer revoke consent for the evaluation and a meeting to consider the results of the evaluation and determine eligibility must be held. Parental consent for evaluation does not give consent for identification, placement or receipt of special education and related services. (p. 18)

evaluation process must cease or a school may select to engage in mediation or due process if they feel that a child should be evaluated. Consult Virginia state law for more details in these circumstances and maintain compliance.

### **Related Service Consideration**

Observations in C-SEP are valuable methods of acquiring information from multiple domains. While general observations focused on student behavior, attitude and physical status are beneficial, observations can equally be targeted to collect specific data on a child. Regardless of the type or purpose, observations should be well documented and findings should be incorporated with other sources of data.

Parents may not revoke consent *ex post facto* of an evaluation. Once the evaluation has been complete, an eligibility meeting must occur. Nonetheless, both federal and state regulations note that consent for an evaluation does not equate giving consent for identification, placement or services. Consult both federal and state regulations to ensure compliance.

### **Assessment Tools**

There are a variety of assessment tools that can be used during an evaluation. These tools should be used to gather information about the child in the functional, developmental, and academic areas. Assessment tools include various types of tests, curriculum-based measures, rating scales, inventories, questionnaires and interviews, and dynamic assessment methods. Virginia special education regulations require that assessments be technically sound and administered by qualified professionals. Groups should consider using measures from both the standardized and informal (structured or unstructured) categories, as well as additional sources of information for eligibility decision-making. (p. 18)

Assessment tools should be selected and administered so as not to be discriminatory on a racial or cultural basis and provided and administered in the student's native language and the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally. Assessment tools should be used for the purpose for which they were designed. (p. 18)

### **Assessment Tools**

Federal and Virginia state law requires a variety of assessment tools be used during an evaluation. A variety of tools are available to Teams, including but not limited to, standardized formal assessments, curriculum-based measures, questionnaires, and state-approved benchmark testing. These can be used to gather functional, developmental and/or academic information on the child being assessed. Federal and state law, and C-SEP best practices require that instruments utilized meet technical standards and be administered by qualified professionals. This includes, but is not limited to, being appropriate for the age, culture, and linguistic capacity of the child being evaluated. In full agreement with Virginia regulations, C-SEP advocates that both formal and informal be utilized to acquire the precise data required to make informed, legally defensible decisions.

Federal and state regulations require assessments and their tools be implemented in a manner that is non-discriminatory (racial, cultural) and administered in the student's native language. Overall, the tools utilized and their methodology should yield the most accurate information on a child's capability (functionally, developmentally, and academically). These tools should be used for their intended purpose and administered according to their standards and norms. Finally,

Although all norm referenced test scores should be considered estimates, some tests and score types provide more reliable information than others. Each assessment type has advantages and disadvantages that should be considered prior to use. Assessment tools may provide multiple types of scores that may be reported (standard scores, percentile ranks, developmental ages, etc.). Certain test scores are only useful for certain purposes, and not for others. For example, percentile ranks and standard scores, are not intended to measure student growth, but rather to compare a student's performance to that of same-age peers taking the same test, while curriculum-based measures and skill inventories may be used to document student progress. (p. 18-19)

Tests always contain some form of error that must be accounted for when reporting scores. To account for this error, evaluators are strongly encouraged to report standard scores with confidence intervals. Confidence intervals represent a range of standard scores in which the student's true score is likely to fall a certain percentage of the time. Most confidence intervals are set at 95 percent, meaning that a student's true score is likely to fall between the upper and lower limits of the confidence interval 95 out of 100 times (or 95 percent of the time) (NASP, 2004). (p. 20)

When using commercially available assessment tools, the most recent version of assessment should be used. This ensures the most up-to-date test questions are included and that the normative sample used to compare the student's performance to others is current. School staff must be qualified to administer assessments and should ensure that nonstandard administrations are appropriately documented. (p. 20)

# **Standardized Tests**

A standardized test is a test administered and scored in a consistent manner. The questions, conditions for administering, scoring procedures, and interpretations are consistent across administrations. These tests are administered and scored in a predetermined manner.

instruments utilized should be of the highest standards of validity and reliability in the context for which they are being used. Only personnel trained in the protocols and instructions of the instruments should be involved in their administration. For additional information, see Virginia Department of Education (2021: 11).

Norm referenced tests, like other data sources, should never be solely used for decision-making. Contrary, they should be combined with other sources of data as they are snapshots of a child's performance in a particular domain and instance. Moreover, some norm referenced tests and their scores are more reliable than others. Consequently, assessments must be carefully considered and determined appropriate in a given context.

These tests should be administered according to the test publisher's guidelines and their scores cautiously calculated in the same manner. Users should equally select which scores that provide the most appropriate data. See individual test publisher guidance, consult peer-reviewed publications, and state regulations.

Test scores should be analyzed and documented in the context of inevitable error that is inherent to standardized tests. As a consequence, C-SEP and Virginia state law encourage Team members to use standard scores with their confidence intervals. This data should be considered and presented in a manner that reflects which results were obtained, why this data was used, and its significance in relation to student performance.

Virginia state law and C-SEP recommend using the most recent version of the assessment selected to ensure that the instrument and the data it provides is current. Simultaneously, and as mentioned above, only individuals qualified to administer the assessment should do so. In instances were expected standards are not followed (e.g., the publisher guidance for administration), deviations should be accurately documented and their potential implications on the findings noted.

C-SEP encourages the collection and consideration of multiple sources of data. The data collected, and the instruments used, should provide the most reliable and targeted information required to assess a student's pattern of strengths and weaknesses. This is especially applicable when additional source of data has been determined necessary by the Team. At this point, the evaluator is encouraged to concentrate their attention on obtaining the

Standardized test may provide a norm-referenced score or a criterion-referenced score. Norm-referenced scores compare test takers to a sample of their peers. Criterion-referenced scores are based on the test takers knowledge of specific information, regardless of the scores of peers. The objective is to determine if the student has learned the information. (p. 20)

### **Norm-Referenced Tests**

Standardized scores may be used when the student closely matches the norming population of the test. Scores should not be reported for nonstandard administrations and for students not represented in the normative sample (e.g., students who grow up in poor, rural or inner-city communities, in ethnic minority families, or in families who primarily speak a language other than English). Scores obtained by these students may not reflect their true abilities. Evaluators should use additional techniques, such as dynamic assessment or responsive instruction, to assess the students' strengths and weaknesses. (p. 20)

Administer all subtests to obtain a full score and gather as complete a picture as possible of the student's performance. Administering select subtests is not advised unless the administration manual provides specific guidance. (p. 20)

The Stanford group tests of achievement and the Wechsler individual intelligence tests are examples of norm-referenced tests. (p. 20)

### **Criterion-Referenced Tests**

Most tests and quizzes written by school teachers are criterion-referenced tests. Most criterion-referenced tests involve a cut score, where the examinee passes if their score exceeds the cut score and fails if it does not (often called a mastery test). A cut score is the score required to pass the test. The criterion is the subject matter that is being tested. Virginia's Standards of Learning (SOL) tests are criterion-referenced tests. (p. 22)

### **Curriculum-Based Measurement**

Curriculum-based measurement (CBM) can be a reliable and valid way of measuring a child's academic skill attainment over both brief and extended periods of time. Teachers can use CBM to find out how students are progressing in basic academic areas such as mathematics, reading, writing, and spelling by giving

data required to address outstanding issues or concerns.

### **C-SEP Method in Action**

If existing data firmly demonstrates that a child is strong in Reading but weak in Mathematics, C-SEP would highly encourage evaluators to focus their attention on data collection that pinpoints which mathematical strengths and weaknesses the child has (if they are unknown) and what might explain these problems (e.g., processing speed; executive functioning; poor instruction). Within this context, an evaluator might decide to administer the Woodcock Johnson IV Achievement test to acquire additional insight into computation skills.

In terms of tools and instruments deemed appropriate, C-SEP adheres to Virginia regulations and recognizes the unique importance of the various types of data. C-SEP equally encourages a blending of these. See Virginia Department of Education (2014; 2018) for precise definitions of these instruments. For a table of diverse types of data collection tools, see Virginia Department of Education (2021: 10).

Instruments	
Standardized Tests	Norm-Referenced Tests
Criterion-Referenced Tests	Curriculum-Based Measurement
Informal Assessment	Structured Inventory or Checklists
Dynamic Assessment	Rating Scales
Questionnaires/ Interviews	Formal Observations
Informal Observations	Parental Input
Data from External Sources	Work Samples

See also Virginia Department of Education (2021: 21).

Those instruments and methods listed in the above table are not exhaustive. Regardless of the data source, it should be reliable, documented, and acquired in a manner that adheres to federal and Virginia state standards. See Virginia Department of Education (2014; 2018) for more information on how, for instance, external data can be acquired.

a brief test each week. Information about CBM is included in the VDOE publication Responsive Instruction: Refining Our Work of Teaching All Children available online at www.doe.virginia.gov. CBM may be either standardized or informal measure depending on the techniques and tools used. (p. 22)

### Informal assessment

Informal assessment techniques can be used at any time without interfering with instructional time. Results can inform the group about the student's performance on the skill or subject of interest. Unlike standardized tests, informal assessments do not provide a comparison to peers. Informal assessments identify the strengths and needs of individual students. (p. 22)

Methods for informal assessment can be divided into two main types: unstructured (e.g., student work samples, journals) and structured (e.g., checklists, observations). The unstructured methods frequently are somewhat more difficult to score and evaluate, but they can provide a great deal of valuable information about the skills of the children, particularly in the areas of language proficiency and behavior. Structured methods can be both reliable and valid techniques when time is spent creating the scoring procedures. (p. 22)

### **Structured Inventory or Checklists**

These tools provide a comprehensive list of student behaviors or skills expected. The items on the checklist may be content or behaviors. A checklist may be completed during an observation or based upon experiences with a student. Checklists generally are reliable and relatively easy to use. Inventories or checklists may be completed by staff or given to parents by an evaluator. These tools are interpreted by a trained evaluator. (p. 22)

# **Dynamic Assessment**

Dynamic assessment measures how a student responds to intervention and the difference between what the student can learn unaided, and what he or she can learn with assistance. These methods can help identify learning potential and eliminate bias for students with cultural and linguistic differences or socio-economic risk factors. (p. 23)

"Methods for the DA of language can be categorized as (a) testing the limits, (b) graduated prompting, and (c)

test-teach-retest. Although these three methods share general features, testing the limits and graduated prompting are more appropriate to determine readiness for progress in intervention. In contrast, test-teach-retest methods are better suited to differentiate disorders from differences (Peña, 2001 p 213)." (p. 23)

### **Rating Scales**

Rating scales are often associated with observation of student work or behaviors. Rather than recording the "presence" or "absence" of a behavior or skill, the observer subjectively rates each item according to a set scale. For example, students might be rated on their on–task behaviors in the classroom. Each item is rated on scale from high to low proficiency. Rating scales may be completed by staff or given to parents by an evaluator. These tools are interpreted by a trained evaluator. (p. 23)

### **Questionnaires/Interviews**

Questionnaires provide a series of items to gather information. Questions may be forced-choice or openended. Questionnaires given orally are considered interviews. During interviews, it is important to document the responses to questions. If appropriate, student input about their own strengths and needs can be used and may provide valuable information. Student input may be gathered using an interview, questionnaire or self-rating tool. (p. 23)

### Observation

Virginia special education regulations require an observation for eligibility that provides information about the student's academic functioning and behavior. Evaluation for special education services may include both formal and informal observation. Parental consent is required for observations conducted after the student is referred for initial eligibility determination. (p. 23)

### **Formal Observation**

Conducting a formal observation in the setting where the student experiences difficulty provides valuable information about strategies used, student strengths, and educational needs. This observation should provide both academic and behavioral information. Data from observations can be used to compare a student to peers and is necessary for the group to gain a better understanding of the student's strengths and educational needs. Use of a structured observation tool may assist professionals in gathering necessary

information. Appendix A includes a sample observation tool. (p. 24)

### Informal Observation

Teacher and parent informal observations provide important information for the group to consider. These informal observations may include specific details or information spanning a longer period of time. Documentation of informal observations can be done using a narrative format or included in the summary of the meeting. When conducting a reevaluation, parental consent is not required before educators' observations or ongoing classroom evaluations. (p. 24)

### Unstructured

Unstructured techniques for assessing students may include both written and oral activities. Examples of unstructured methods include work samples, homework, journals, and participation in games and activities. These unstructured methods are more subjective and may be difficult to quantify. However, these methods provide valuable information about the skills of students in specific areas. (p. 24)

### **Additional Sources of Information**

No single test or measure should be used to determine a student's eligibility for special education and related services. Information from teacher reports, parental input, and information from outside sources can provide important information. (p. 24)

### **Parent Input**

Parent input can be gathered through rating scales or interviews or through a socio-cultural assessment conducted by the school social worker or visiting teacher. Parent input should be viewed in the context of the other data collected by the group. It is important for school members of the group to ensure that parents understand that their input is valuable. (p. 25)

### **Information and Reports from Outside Sources**

It is not unusual for parents to share information provided by professionals from outside of the school division. Any information provided by the parents must be considered by the group. Parents should be made aware that while the information must be considered, the group is under no obligation to follow recommendations or adopt a diagnosis provided. The Individuals with Disabilities Education Act (IDEA) and Virginia special education regulations require specific criteria to be met in order for a child to be eligible for special education and related services.

Information and reports may be gathered from outside sources including:

- medical or clinical provider records (physician, social worker, psychologist, etc),
- · social service agency records, or
- school records from past educational placements.
   (p. 25)

A release of information from the parent is required prior to school staff contacting outside professionals to gather information or discuss information provided by the parents. Federal laws and regulations do not require parental consent for a school division to exchange information from other school divisions that the child attended or has enrolled. (p. 25)

Upon receipt of parental consent, if appropriate, letters or faxes requesting information may be sent to individuals and agencies that have had contact with the child. A copy of the signed consent form must be included with the letters and retained in the student's education record. (p. 25)

When requesting additional information, a questionnaire or survey form that allows open-ended responses may be more useful than a checklist or rating scale. School personnel should follow up with the reporting professional if they have questions about the information provided. Professionals outside of the educational setting may address topics that are not the responsibility of school staff. (p. 25)

# **Administration and Interpretation of Assessments**

The administration and interpretation of assessments is a vital step in the evaluation and eligibility process. Virginia special education regulations require that the evaluators be knowledgeable and appropriately trained to administer assessments in accordance with the instructions provided by the producer of the assessments. When selecting and administering assessment components, evaluators should consider factors such as: selection of tools, possible racial or cultural bias, the need for nonstandard administration based on student needs, features of the assessment or observation environment, and the impact of a student's cultural or linguistic differences. (p. 26)

# **Administration and Interpretation of Assessments**

Virginia special education regulations require that the evaluators be knowledgeable and appropriately trained to administer assessments in accordance with the instructions provided by the producer of the assessments. When selecting and administering assessment components, evaluators should consider factors such as: selection of tools, possible racial or cultural bias, the need for nonstandard administration based on student needs, features of the assessment or observation environment, and the impact of a student's cultural or linguistic differences (Virginia Department of Education, 2021: 11). These standards are fully embraced by C-SEP and should be strictly adhered to.

### **Related Service Considerations**

If a related service provider has health or safety concerns about the student's ability to participate in the assessment, the IEP should discuss the specific concerns. Physician referral for evaluation is not required for a related services evaluation by the VDOE. Related service providers should know if their licensing board or agency requires a physician referral and communicate this information to the IEP Team. (p. 26)

### **Administration Factors to Consider**

There are a variety of factors to consider prior to and during administration of assessments. Evaluators should refer to administration manuals, professional training, and best practices in their respective field. The following list provides an overview of some factors to consider that are relevant for most types of evaluations. (p. 26)

#### **Environment**

Evaluators should consider administration manual requirements and environmental conditions when administering assessments or conducting observations. Although an administration manual may not include precise descriptions, evaluators should ensure that the physical setting has appropriate lighting, is a comfortable temperature, is free from noise and visual distractions and maintains confidentiality. (p. 26)

### **Nonstandard conditions**

Nonstandard administration occurs when procedures, materials, or administration methods included in the test administration manual are not followed. If the administration manual prescribes standard conditions, these requirements must be met to ensure that scores can be used for comparison with peers. Virginia special education regulations require that if an assessment is conducted under nonstandard conditions, a description of the variation be included in the evaluation report. Some examples of nonstandard administration include allowing breaks or multiple test sessions (for tests that are intended to be single session), enlarging images or print for those with visual impairments, use of an interpreter, or providing rewards or reinforcement during the administration. (p. 26)

Students with learning differences or impairments may require a nonstandard administration to have the

### **Accommodating Health and Safety Concerns**

Health and/or safety concerns about a child's ability to participate in the assessment should be presented to the IEP Team for consideration and discussion. This is essential to ensure the wellbeing of the student. In these instances, evaluators should follow federal and Virginia state protocol.

### **Administration Factors to Consider**

C-SEP recognizes the complexities associated with planning, administering and interpreting assessments. As a standard, we agree that evaluators should refer to administration manuals, professional training, and best practices in their respective field.

Some Factors to Consider W	hen Using Instruments
Environment	Nonstandard conditions
Time	Material

Naturally, the above is not an exhaustive list of factors that can influence how an instrument is administered and thereby the results that it generates. In addition, factors such as the culture of the individual administering the instrument can impact on student performance, as could the administrator's familiarity and comfort with administering and scoring the instrument.

For more information on the factors listed in the table, see Virginia Department of Education (2018).

opportunity to demonstrate knowledge or abilities; however, the normative scores cannot be used for comparison with peers. Information about strengths and weaknesses and descriptions of performance may be reported and helpful for decision making. Virginia special education regulations require that the description of the extent to which it varied from standard conditions must be included in the evaluator's report. (p. 27)

### **Time**

Evaluators must be aware of any requirements related to time prior to beginning a testing session with a student. If the assessment tool requires a timed response, the evaluator must have a clock or watch available to accurately administer the timed items. If an assessment or test is designed to be administered in one session, evaluators must be sure that the testing location will be free and the session will be uninterrupted. In some situations, the evaluator may need to make arrangements with teachers or parents to secure uninterrupted periods of time. Evaluators should allow ample time for the student to complete the activity. (p. 27)

### **Materials**

Some assessment tools require the use of special materials such as manipulatives, test protocols, or student response forms. Evaluators should ensure that any needed materials are in the testing environment and ready to access prior to beginning an assessment. (p. 27)

### **Interpretation of Results**

Although individual evaluators can develop an interpretation of results from assessments administered, information from other evaluators provides information that may alter preliminary impressions. It is vital for the group to review results from all assessments and observations and combine information from multiple sources. This will help the group create a truer picture of a student's strengths and weaknesses and ultimately determine if a student is eligible for special education. (p. 27)

Because each profession or discipline is likely to have its own terminology, it is important for group members, including parents, to feel free to ask for clarification, request additional explanations or repetition of information. Group members must be able to understand

### **Interpretation of Results**

The data collected by evaluators will have to first be individually processed as it is acquired. However, this process can be subjective. For this reason, the IEP Team should work together to collectively (re)interpret data that has been acquired, regardless of its origin (e.g., formal or informal). This process will ensure that all Team members have access to the data and, thereby, can better determine as a collective which strengths and weaknesses a student has. Moreover, collective knowledge and consultation will improve the reliability of the eligibility status the Team determines.

As data and their findings are presented, these should be introduced in a manner that is easily understood by the average individual. Since the Team consists of a variety of stakeholders (e.g., parent; teacher) with diverging expertise and knowledge, participants must be prepared to explain

the data presented and synthesize it to make their final determination. Evaluators must be prepared to explain their results so that all group members, including parents, can make informed and responsible decisions. (p. 27)

Group members must view results of assessments and observations and look for consistency among assessment components. Inconsistencies should be examined by the group. For example, if a student performed well on some assessments and poorly on others, the group should examine the reason for the inconsistency. Was the student's performance due to an illness on the day of certain assessment, changing comfort level with the evaluation process, or a true strength in one area and weakness in another? (p. 27-28)

Consideration of other factors should also be discussed. The group should note if there were factors that could have impacted the student's performance on assessments. For example, if one evaluation reveals a processing delay that requires additional time, did that impact the student's performance on other assessments requiring a timed response? Consideration of the effect of differences such as language ability, cultural differences, and sensory issues should also be reviewed by the group. (p. 28)

Virginia regulations require that no sole source of information be used to determine eligibility for special education and related services. Information from all evaluation components should be synthesized with no single evaluator's interpretation used in isolation for decision making. (p. 28)

When students are aligned with the normative population of a particular assessment, standard scores are considered the most robust for comparison and as a component in decision making. Additionally, standard scores for students who do not fit the normative population of the assessment should be interpreted with caution and considered as a nonstandard administration. Individual evaluators and groups are cautioned against using age and grade equivalent scores to compare students or for decision making. These scores are derived in a way that seriously limits their reliability and validity and should not be used for making diagnostic or placement decisions (Bracken, 1988; Reynolds, 1981). (p. 28)

# **Evaluation Reports**

Professionals who participate in the student's evaluation must carefully document in their reports the results of the

their methodology and findings to others. This requirement ensures that Team members have the knowledge necessary to make informed and responsible decisions.

The objective of the Team is to analyze and merge the multiple sources of data and its findings, whereby consistency is found that reflect a student's strengths and weaknesses. Collectively, the group can identify patterns and use the data to draw conclusions about a student's true performance, and whether the data indicates the existence of a disability and the requirement of services. After all, a student can suffer from more than one disability area (Virginia Department of Education, 2021: 26-27).

Federal and state law requires students undergo a comprehensive and full evaluation. They should equally be assessed in all areas of concern and all exclusionary factors should be considered. As part of this process, the Team should consider other factors which may explain or contribute to the difficulties a child is experiencing. For instance, family changes such as a divorce or health issues, among other factors, may contribute to learning difficulties. See, for instance, Virginia Department of Education (2021: 17-19). Equally important, the Team should consider factors that may explain certain findings.

Federal and state regulations demand that no single source of data be used to determine eligibility (Department of Education, 2021; 2018). C-SEP encourages the collection of multiple sources of data using diverse methods. This information should then be merged and considered collectively. This process corresponds with Virginia Department of Education (2021: 20).

Scores and standards used during assessment should be carefully selected and considered. According to best practice, when students are aligned with the normative population of a particular assessment, standard scores are considered the most robust for comparison and as a component in decision making. Additionally, standard scores for students who do not fit the normative population of the assessment should be interpreted with caution and considered as a nonstandard administration. Individual evaluators and groups are cautioned against using age and grade equivalent scores to compare students or for decision-making.

# **Evaluation Reports**

Thorough documentation of the assessment is essential. This includes explaining which data was collected, how it

evaluation, based upon information gathered. These reports become part of the student's education record and should contain only relevant information that has been carefully reviewed and edited. Reports should include a summary of the assessment activities, descriptions of the student's performance, observation notes, data and norm-referenced scores, a summary of strengths and weaknesses, and recommendations for those working with the student. Evaluators may provide recommendations, but they may not determine eligibility or related services for students. When students differ from the norming population or participate using a non-standard administration, professionals are encouraged to reference the administration manual for specific instructions. (p. 28)

The Virginia special education regulations require that evaluation reports be available to a parent no later than two business days before the eligibility meeting. This means that the reports must be complete and that school personnel should know where the reports can be obtained if the parent wants to review them. (p. 28)

The regulations do not specifically require that the evaluation reports be sent to the parent prior to the eligibility meeting; however, providing them in advance allows parents time to review the information. By sending the evaluation reports to the parent prior to the meeting, the school division also satisfies the regulatory requirement to provide the parent with a copy of each evaluation report at no cost. The parents must be given a copy of each report no later than ten days after the meeting if they were not provided prior to or at the meeting. (p. 28-29)

"Reports of assessment results typically include a statement as to the validity—or accuracy—of the test scores. There are many factors that can influence a student's test performance. These factors may include, but are not limited to, behavior during testing, the presence of distractions during testing, the student's cultural and linguistic background, and the student's physical health at the time of testing. An educational or psychological test report should indicate whether any of these factors were present and how they may have affected the results of the test, thereby compromising the validity of the findings." (NASP, 2004, p s2-83) (p. 29)

was interpreted and which decisions were made based on the data. This information should be detailed in the reports and included in a student's educational records. According to Virginia, reports should include a summary of the assessment activities, descriptions of the student's performance, observation notes, data and norm-referenced scores, a summary of strengths and weaknesses, and recommendations for those working with the student. Evaluators may provide recommendations, but they may not determine eligibility or related services for students. When students differ from the norming population or participate using a non-standard administration, professionals are encouraged to reference the administration manual for specific instructions.

Virginia regulations require that evaluation reports be available to a parent no later than two business days before the eligibility meeting. This means that the reports must be complete and that school personnel should know where the reports can be obtained if the parent wants to review them.

While it is not mandatory, Virginia regulations recommend that evaluation reports be provided to parents in advance of the eligibility meeting. This practice both provides the parent with a copy of the report per regulations, and allows them time to review and consider the contents prior to meeting with the Team. Consult federal and state regulations for more information.

Virginia accommodates embraces a Standards-Based IEP (Virginia Department of Education, 2022; 2016). VDOE (2022) claims: "A standards-based Individualized Education Program (IEP) describes a process in which the IEP team has incorporated state content standards in its development. The IEP is directly linked to and framed by Virginia's course content Standards of Learning (SOL) for the grade in which the student is enrolled or will be enrolled. The components are the same as the traditional IEP. It should be noted that in a standards-based IEP, the PLOP and some or all of the annual goals are connected to the specific grade-level SOL. This creates a program that is aimed at getting the student to a proficient level on state standards in addition to addressing functional and/or behavioral needs of the student, as needed." Virginia Department of Education (2022) offers useful resources on its website. To access the legal framework for IEP, see 8VAC20-81-110. Individualized education program. For additional information on the IEP and its contents,

consult Virginia Department of Education (2016).
Sample IEP forms are available on the Virginia Department

### of Education website

https://www.doe.virginia.gov/special\_ed/iep\_instruct\_svcs/iep/index.shtml

# Present Level of Academic and Functional Performance (PLOP) (Virginia Department of Education, 2022)

The PLOP is a narrative description of the student's present levels of academic achievement and functional performance. A statement of how the disability affects the student's participation and progress in the general curriculum and other activities must be included in the narrative. The PLOP is based on current information about the student and it must provide enough detail to allow the development of goals and the consideration of objectives/benchmarks for the individual student. The PLOP lays the foundation for the IEP.

# Present Level of Academic and Functional Performance (PLOP)

Within the C-SEP framework the PLOP is integrated into the Impact and Needs Statement. This statement is complex and detailed, as it will specify the present level of academic and functional performance; which, if any, disabilities have been identified; how these specifically impact on learning; which services and/or supports are required; and what are the objectives and goals for this student and how will progress be monitored. For more information on documenting impact, see Virginia Department of Education (2021: 21).

# **Cultural and Linguistic Differences**

Cultural and linguistic differences are present in both native and non-native English speakers. The overrepresentation of racially, culturally, ethnically and linguistically diverse students in special education is well documented and continues to be an area of emphasis for the U.S. Department of Education and the Office of Special Education Programs (OSEP). The evaluation process, and any pre-referral interventions, should first examine whether an area of concern results from a cultural or language difference, and/or economic disparity. (p. 29)

Educators must acknowledge that local dialectal and cultural variations exist within the school division. Students, who are native English speakers, may use dialects and speak or write following the language patterns of their community. Educators should use the student's community language, not race, when considering dialect use. Teams should recognize that accents and regional vocabulary differences are a natural part of spoken language and should not be considered a disorder. Cultural or linguistic differences should be examined by the team and documented efforts should be made to ensure that student performance is viewed using culturally and linguistically sensitive measures. The VDOE Speech-Language Pathology Services in Schools: Guidelines for Best Practice (2011) provides additional information on language diversity and native English speakers who use dialects. (p. 29)

When working with students, it is important to consider

### **Cultural and Linguistic Considerations**

Cultural and linguistic differences need to be taken into consideration during pre-referral and referral processes to ensure that 1) they do not account for a student's behavioral or academic struggles; and 2) to eliminate bias and/or discriminatory practices from an evaluation (see, Virginia Department of Education, 2021; 2018).

According to Virginia guidelines, local dialects and cultural differences need to be taken into consideration, whether this child is an English native speaker or a speaks a foreign language. Using these dialects or having a dialect or cultural differences do not constitute a disorder. For this reason, cultural and linguistic differences should be carefully documented and considered. Consult Virginia regulations, such as Virginia Department of Education (2018) and VDOE Speech-Language Pathology Services in Schools: Guidelines for Best Practice (2011), for more details.

Cultural and linguistic differences can impact on student

the cultural background of the student and their family. Cultural differences can impact a student's ability to be measured by assessments designed for and normed on individuals from U.S. mainstream culture. Differences in areas including social, language, behavior, customs, performance, and expectations should be considered. Table 5 includes examples of cultural differences and how they may impact the evaluation of a student. (p. 30)

# Examples of Cultural Differences That May Impact Evaluations (p. 30)

Cultural Difference	Potential Impact on Student Performance
Higher tolerance for emotional expression	<ul> <li>Students may appear disruptive, aggressive or speak loudly.</li> <li>Student or family may consider behavior appropriate.</li> </ul>
Belief that elders should be respected	<ul> <li>Student may not offer a needed correction to a stimulus item given by an adult.</li> <li>Student may not make eye contact with an adult or ask for assistance.</li> </ul>
Limited exposure to books and storytelling	<ul> <li>Student may have limited knowledge of vocabulary, language comprehension, background knowledge, and ability to infer information.</li> <li>Student may have limited practice sitting and attending to a story or book reading activity.</li> </ul>
Language structure in primary language different from English	<ul> <li>Student may misunderstand idioms and figurative language.</li> <li>Student may apply primary language rules to English and make errors in grammar and usage.</li> </ul>

Test items that require a high level of knowledge and experience with mainstream culture are considered to have a high 'cultural load.' Test items that require a high level of proficiency with English are considered to have a high 'language load.' Researchers (Ortiz and Ochoa, 2005) report that students with cultural and linguistic differences may score substantially lower (up to 35 points) than peers due to language and cultural differences. (p. 30)

performance. As a result, federal and state guidance require that these be considered and that measures be taken to minimize their impact. For example, students should be assessed in their native language. Evaluators should consult federal and state guidance.

Evaluators equally need to carefully distinguish a command of the English language versus a learning disability. This means that English Language learners (ELs) need to be carefully screened. For further instruction, see VDOE's Handbook For Educators of English Learners with Suspected Disabilities.

### Evaluators should be aware that:

the presence of a cultural, linguistic or socioeconomic difference alone is not sufficient to deny a referral or find a child ineligible for special education and related services. Teams should consider all available data and determine the predominant or primary cause of the student's difficulty (Virginia Department of Education, 2021: 12). Virginia special education regulations require that evaluators ensure that materials and assessment procedures used measure the extent to which a child has a disability, rather than measuring English language skills. Furthermore, assessments and other materials must be selected and administered to not discriminate based on race or culture. (p. 30)

The Virginia Department of Education (VDOE) offers additional resources and information on working with students who have cultural or linguistic differences. Visit www.doe.virginia.gov for links to Virginia and national resources such as the Handbook for Educators of Students Who Are English Language Learners with Suspected Disabilities. The VDOE Speech-Language Pathology Services in Schools: Guidelines for Best Practice (2011) provides additional information on native speakers using dialects and language diversity. (p. 31)

Virginia special education regulations require that evaluators ensure that materials and assessment procedures used measure the extent to which a child has a disability, rather than measuring English language skills. Furthermore, assessments and other materials must be selected and administered to not discriminate based on race or culture. Nevertheless, these protocols are equally imposed by federal law, and should be standard practice for all evaluators, regardless of the method of assessment they select to utilize.

### **Socio-Economic Status Considerations**

Socio-economic status (SES) factors are equally important to consider when evaluating students. SES factors such as nutrition, reading level, parent availability, family or student mobility, and parental participation can impact a student's educational performance. Some standardized tests are biased against low SES students because they assess a student's knowledge base. Many low SES students have a compromised knowledge base due to their environmental circumstances which can impact performance on assessments, executive functioning, and experience with the structure and routines of school (Roseberry-McKibbin). Evaluators should consider the impact of socio-economic factors when selecting evaluation tools, during assessments, and when interpreting data and observations for decision making.

### **Socio-Economic Status Considerations**

Federal and state law requires that exclusionary factors, including socio-economic, be considered and eliminated as a primary explanation of a student's difficulties. At the same time, these same considerations must be considered when conducting evaluations. Some tests are biased against individuals from low socio-economic backgrounds, so care should be taken when selecting instruments and/or considering scores and results (see Virginia Department of Education, 2021). The danger here is expressed by the VDOE (2021: 12):

Research shows that cultural and linguistic differences may result in an impact of up to 35 standard score points depending on the particular test and individual student's cultural background and language skills (Rhodes, Ochoa, and Ortiz, 2005). Teams should discuss the impact of regional dialectal differences, common family or cultural customs, lack of practice, and other factors that while appropriate for the individual student, may result in a lower score due to inappropriate comparison with the test norming population.

### **Impact of Other Factors**

Prior to conducting any assessment or observation, the evaluator should consider the impact of other factors on participation or performance for student assessments or

### **Impact of Other Factors**

Exclusionary factors must be considered and eliminated as the primary source of a child's academic or behavioral difficulties. These factors include physical conditions, such observations. Examples of other factors include vision or hearing impairments, behaviors, sensory needs, motor differences, and student motivation. (p. 31)

These other factors require special attention by the evaluator to ensure that the results accurately reflect the student's ability or achievement. For example, a student with vision or hearing impairments may have difficulty participating in assessments that require looking at pictures or listening to a passage. A student with a cultural or linguistic difference may incorrectly answer questions because of their limited language skills or cultural experience. (p. 31)

as vision and hearing impairments. Other physical considerations include gross and fine motor skills or sensory issues. Simultaneously, behavioral and motivational issues must equally be taken into account.

C-SEP users should evaluate all exclusionary factors thoroughly and eliminate them as the primary cause of a student's difficulties. At the same time, these issues equally need to be carefully considered when conducting evaluations to ensure that they are accommodated where they exist. Consult both federal and state resources for specific guidance.

# **65 Day Timeline**

Virginia regulations require the eligibility group to meet and make a determination within 65 business days of the referral. (p. 31)

The three exceptions to the 65 days timeline are:

- 1. If a parent fails or refuses to produce the student for the evaluation,
- 2. If the student enrolls or moves to another division prior to the completion of the evaluation<sup>1</sup>, or
- If the parents and school agree to an extension in writing (to obtain additional information that is required and cannot be gathered by the due date). (p. 32)

# **65 Day Timeline**

Evaluators and/or IEP Teams have 65 days to conduct an evaluation according to Virginia state law. For more precise conditions and requirements, consult Virginia state law. All federal and state legal requirements must be abided by regardless of the assessment methodology used.

### Eligibility

### **Group Composition**

The eligibility group may be an IEP Team. The eligibility group must include, but not be limited to, the following individuals; the parent, the special education administrator or designee, school personnel from disciplines providing the assessments, a special education teacher, the child's regular education teacher (or, if the child does not have a regular education teacher, a regular education teacher qualified to teach a child of the child's age); and a person qualified to conduct diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or teacher of remedial reading. (p. 32)

According to regulations, the school division must ensure

### Eligibility

# **Eligibility Committee Composition**

Federal and state regulates who, at minimum, should be involved in an eligibility group. Established rules should be adhered to. Each individual involved brings knowledge, insight and expertise that is essential to obtaining as a wide an understanding of the child as possible. C-SEP encourages not just these individuals' presence on the committee, but active involvement throughout the process. For more information on Teams, see Virginia Department of Education (2021: 6-7).

Virginia requires the eligibility committee be qualified to:

<sup>&</sup>lt;sup>1</sup> This exception only applies if the school division is making sufficient progress to ensure a prompt completion of the evaluation and the parent(s) and school division where the child is enrolled in school agree to a specific time when the evaluation will be completed.

that the eligibility group is qualified to:

- Conduct, as appropriate, individual diagnostic assessments in the areas of speech and language, academic achievement, intellectual development and social-emotional development;
- Interpret assessment and intervention data, and apply critical analysis to those data; and
- Develop appropriate educational and transition recommendations based on the assessment data. (p. 32)

Virginia regulations require specific individuals be present at the meeting but do not indicate the specific roles or duties of each individual. In addition to meeting the regulatory requirements of their position, some individuals may serve in multiple capacities during meetings (e.g., special education teacher and person qualified to conduct individual diagnostic examinations). (p. 32)

### **Related Service Consideration**

The group that makes decisions about related services is the student's IEP Team. Eligibility committees may not determine the need for related services, but may review evaluation data and make recommendations to the IEP Team. (p. 32)

It is important for the designated LEA representative to be identified in the event the group cannot reach consensus. Serving as note taker, time-keeper, or meeting facilitator does not necessarily mean the individual is also authorized to serve as the LEA representative. (p. 33)

- Conduct, as appropriate, individual diagnostic assessments in the areas of speech and language, academic achievement, intellectual development and social-emotional development;
- Interpret assessment and intervention data, and apply critical analysis to those data; and
- Develop appropriate educational and transition recommendations based on the assessment data.

According to Virginia regulations, the eligibility committee may review evaluation data and make recommendations to the IEP Team, but they do not have the authority to decide a need for services.

Virginia is specific about who should be present at meetings, but they do not articulate their role or duty. All evaluators and Team members should consult the state legal framework and ensure those required to attend meetings are notified of the dates and times. Virginia also permits single individuals to serve multiple roles. The C-SEP method encourages adherence to the law. It likewise advocates that committee members actively participate and bring to bear their knowledge and capacities to the group and evaluation to their fullest potential (see also Virginia Department of Education, 2021: 6). Collaboration and collective engagement are essential to comprehensive evaluations and good decision-making by sharing workloads, leveraging individual strengths and knowledge, and ensuring that data is thoroughly collected, analyzed, and interpreted.

Virginia guidance requires LEA representatives to be appointed in case a group cannot reach consensus. These appointments should be carefully made to ensure their qualification. Consult Virginia guidance for details.

### **Eligibility Process**

The IDEA requires a student to be found eligible as a child with a disability in order to receive special education and related services. Virginia special education regulations require this process to be completed within 65 business days from the receipt of the referral by the special education administrator or designee. A group of qualified individuals, including the parent(s), must consider multiple sources of information and determine if the child has a disability. In order to determine that a child has a disability, the group must find that the child meets the Virginia criteria for a specific disability area. This includes documentation of:

### **Eligibility Process**

IDEA establishes guidelines for which conditions must be met to find a child eligible for special education services. At the same time, individual states have the capacity to set standards and norms within the federal legal framework. To this end, Virginia requires an evaluation process be completed within 65 business days from the receipt of the referral by the special education administrator or designee. The decision must be made by a group of qualified individuals, including the parent(s), who have considered multiple sources of data and determine if the child has a disability. In order to determine that a child has a disability, the group must find that the child meets the Virginia criteria for a specific disability area. This includes

- the presence of an impairment,
- adverse impact on educational performance,
- the need for specially designed instruction, and
- Any specific criteria from Virginia regulations. (p. 33)

The group must document their deliberations, including information about the review of data, the specific disability criteria, the exclusionary factors, and any recommendations in the meeting summary. (p. 33)

Although academic progress is one focus of school, groups must not consider grades to be the only demonstration of adverse impact on educational performance. Students with passing grades might still have difficulty in the educational setting interacting with others, forming social relationships, and appropriately interacting with peers and adults. Students may possess characteristics of gifted students and the characteristics of students with disabilities and are known as twice exceptional learners. The characteristic of the disability may mask the giftedness and/or the giftedness may mask the disability. This makes the identification of the exceptionality more difficult, and as a result, current state and national data indicate that twice-exceptional learners are often under identified and underserved in gifted and/or special education programs. The eligibility committees for both gifted and special education identification should be familiar with identification practices and criteria surrounding each area of disability and giftedness. They should examine relevant data accordingly. (p. 33-34)

### **Related Service Considerations**

Virginia Regulations state "Once a child is found eligible for special education, decisions about the need for related services shall be made by the IEP Team." (8 VAC 20-81-80.F) Eligibility committees may provide recommendations for the IEP Team to consider, but they may not determine related service needs.

IEP Teams are responsible for determining: if a student requires related services, what type of service, drafting the IEP goals, and determining how much service to provide. Documentation should include; review of data (existing and new), consideration of outside reports, determination of services (type, amount, and goals). All IEP Team members participate in the review of data to support the determination if services are required. (p. 33)

### documentation of:

- The presence of an impairment,
- Adverse impact on educational performance,
- The need for specially designed instruction, and
- Any specific criteria from Virginia regulations.

Virginia Department of Education (2021: 20) defines adverse effect as:

to have a negative impact that is significantly more impeding than a minor hindrance. An adverse effect on educational performance does not include developmentally appropriate characteristics of the age or grade typically exhibited by same age peers. The adverse effect must be caused by the impairment or disability area being examined on the individual eligibility criteria worksheet, not another disability area, or issue such as economic disadvantage, lack of instruction, poor attendance, or incomplete classwork or homework.

Accordingly, Virginia best practices states that at least "three or more measures of the student's performance in the same area of concern" (Virginia Department of Education, 2021: 22).

Virginia Department of Education (2021: 22) defines *Specially Designed Instruction* (SDI) as "adapting, as appropriate to the needs of an eligible child under this chapter, the content, methodology, or delivery of instruction:" This corresponds with federal regulation 34 CFR §300.39(b)(3). Decisions in this area too must likewise be supported by three or more data sources (Virginia Department of Education, 2021: 22). See Virginia Department of Education (2021: 23) for more information and additional resources.

The group must document their deliberations, including information about the review of data, the specific disability criteria, the exclusionary factors, and any recommendations in the meeting summary. This combination of requirements tracks with C-SEP best practices.

All IEP Team members should review the data to help determine which services are necessary. According to Virginia state guidance and C-SEP best practices, after reviewing the data, an IEP Team is responsible for:

- Determining if a child requires services
- Identify which type of services are required

If the group believes that a change in disability category is appropriate, the reasons for the change, including supporting documentation, must be carefully documented. A student's educational identification or disability category may not be changed or removed without parental consent. (p. 34)

If a student is found not eligible as a student with a disability, the eligibility committee is required to provide information about the child's educational needs to the student's teachers and any appropriate committee. This information may be helpful in planning for and differentiating instruction. (p. 34)

- Establishing IEP goals and monitoring mechanisms
- Determine the quantity and duration of services
- Adhering to state established, grade level Standards of Learning (SOL)

IEP documentation should include, at minimum:

- A review of all data collected (existing and new)
- · Consideration of external sources of data
- Identification of services needed (type, amount, goals)

For more information and additional resources, see Virginia Department of Education (2022; 2018; 2014).

Careful consideration must be made when evaluating students and sufficient data must be collected to make legally defensible decisions. Single types of data, such as grades, alone, are insufficient to demonstrate the child has a strength or a weakness, or has a disability. Eligibility committees should be familiar with identification practices and criteria surrounding the area of disability and giftedness. Within this context, they should examine relevant data and carefully interpret it to make sound decisions concerning giftedness, characteristics of disabilities, and twice gifted (for more information, see Virginia Department of Education, 2021: 14).

When a group determined that a change in disability category is warranted, they should document the reasons they believe the change is necessary, documentation which supports this change, and which changes are to be made. However, informed parental consent is required to remove or change a student's status. Consult federal and state law.

When an evaluation is conducted, an eligibility committee is required to provide information about a child's educational needs to the committee and the student's teachers, even if the student is not found eligible for services. This information should be used by teachers to individualize and improve instructional planning and delivery.

The goals established should be achievable in one year, as well as meaningful and measurable. They must equally reflect the areas of needs of the student according to the Virginia Department of Education (2014: 13).

### Data

The eligibility decision must be based on data and information drawn from a variety of sources. Eligibility decisions should not be viewed as a way to provide

### **Data**

Eligibility decisions within the C-SEP framework are to be deduced from multiple sources of data that has been collected using diverse methods of data collection (see

classroom supports or testing accommodations. There are a variety of supports for the student who needs assistance that are available outside of special education. In order for a child to be found eligible for special education and related services, the student must meet the eligibility criteria and it must be determined that the child is a "child with a disability" and is in need of special education and related services. (p. 34)

Related service providers should be able to share data at IEP meetings and be prepared to discuss data at IEP meetings. To ensure appropriate eligibility decisions, the group must consider:

- comprehensive data across all areas including academic, cognitive, adaptive, emotional/behavioral, language, social and motor skills;
- multiple data sources, including intervention data and parent input, in determining and planning for a more intensive level of service; and
- 3. evidence of appropriate instruction in reading and mathematics instruction. (p. 34)

### **Response to Intervention**

When a student participates in a response to scientific, research-based intervention process the documentation must also include: (1) the instructional strategies used and the student-centered data collected; (2) the strategies that were used to increase the child's rate of learning; and (3) the parent's right to request an evaluation. The group must also provide notification to parents that Virginia's guidance document, Responsive Instruction, Refining Our Work of Teaching All Children and monographs are available from the Virginia Department of Education website. Parent Notification of RtI, notification of Virginia's guidance document on responsive instruction is available from the Virginia Department of Education website and satisfies the notification requirement in Virginia's special education regulations. (p. 35)

Virginia Department of Education, 2021: 12). The data should be collected, merged and analyzed in order to identify eligibility, to eliminate exclusionary factors, and to determine the extent of the need and the supports and accommodations that student requires. Eligibility criteria should be consulted as spelled out in federal and state protocol.

IEP Team members must work together, collectively sharing in the effort to collect, merge and analyze the data to make sound eligibility decisions. As such, IEP Team members should be prepared to present, explain, and discuss the data collected, it collection methodology, its relevance and its interpretation. Collectively, the group must decide:

- 1. Comprehensive data across all areas including academic, cognitive, adaptive, language, social and motor skills; emotional/behavioral,
- 2. Multiple data sources, including intervention data and parent input, in determining and planning for a more intensive level of service; and
- 3. Evidence of appropriate instruction in reading and mathematics instruction.

### Response to Intervention

Rtl is a scientific, research-based intervention program that assists students struggling to learn and monitors their progress. The data collected from Rtl should be incorporated into assessments and merged with other data when considering eligibility. For more information on Rtl uses and requirements, consult Virginia Department of Education publications and recommendations.

### **Evaluations Received from Private Providers**

Parents may share information from outside providers including recommendations, prescriptions, and suggestions for specific services for their children. Teams should document their consideration of this information, but are not required to follow recommendations or fill prescriptions for services. (p. 35)

Providers outside of the school setting may use a different threshold for the recommendation for eligibility for services and are not required to follow the Virginia Regulations. Any providers doing evaluations must be appropriately licensed/certified/qualified to conduct the evaluation. (p. 35)

### **Evaluations Received from Private Providers**

Evaluators may use data collected by external sources when it is made available. These external sources may include medical professionals, private assessment practitioners, among others. According to C-SEP, this data should be merged with other sources of data whereby informed decisions can be made.

According to Virginia guidance, outside providers must be appropriately qualified and licensed, but may use a different threshold in their recommendations. Due to the latter standards, IEP Team members should carefully weigh the findings and decisions proffered by external sources and strictly adhere to federal and state standards when merging data and making decisions.

### Criteria

Each disability category is defined by the IDEA. In addition to these federal definitions, Virginia's special education regulations include specific criteria for each disability category. In order to find that a student is or continues to be eligible for special education and related services, these specific criteria must be satisfied. (p. 35)

For both initial and re-evaluations, groups must review the federal definition and state criteria and determine if a student is or continues to be a child with a disability. Use of a worksheet or form to guide discussion may ensure that all group members are aware of the eligibility criteria. Documentation on criteria forms or worksheets may also provide documentation for the eligibility summary. Sample forms, including the definition and criteria for each disability category, are made available through the Virginia Department of Education. (p. 35)

# Criteria

IDEA establishes eligibility criteria and exclusionary factors that must be carefully considered during an evaluation. Virginia likewise outlines eligibility criteria that must be satisfied when making decisions (see, for example, Virginia Department of Education, 2014: 12-13).

When conducting initial and reevaluations, all IEP Team members, regardless of the process they utilize to collect and interpret the data, must adhere to federal and state eligibility criteria when determining whether or not a child is eligible for services. C-SEP advocates the methodical collection, merger, and interpretation of data by individual Team members and within the collective IEP Team.

### A comprehensive assessment:

includes both observation and measurement of the student's skills across different environments. A comprehensive assessment may include historical trends of performance and current measures of academic skills (norm-referenced, criterion-referenced, and/or curriculum-based); cognitive abilities and processes; learning probes and dynamic assessment; social-emotional competencies and oral language proficiency as appropriate; classroom observations; and indirect sources of data (e.g., teacher and parent interviews and reports). The assessment data should be relevant for eligibility decision making and also may inform subsequent intervention and educational programming. Professionals are encouraged to choose tools based on the characteristics of the child and to gather data about the child's functional performance from a

variety of settings or environments and utilize a variety of tools and data sources. (Virginia Department of Education, 2021: 9)

C-SEP users often leverage worksheets and checklists created by C-SEP founders and contributors that are designed to ensure a comprehensive evaluation has been pursued. Nevertheless, the C-SEP model easily accommodates other forms and documentation worksheets available to schools, districts or states. These latter resources are highly recommended as they are recognized within the state and most likely instruments that professionals are familiar with. In this instance, existing C-SEP resources could be incorporated as supplementary resources should users select to do use them. Virginia Department of Education (2021) provides useful resources for documenting and conducting a comprehensive evaluation.

#### **Exclusions**

The IDEA and Virginia's special education regulations require that groups consider exclusionary factors when determining eligibility. A student shall not be determined eligible if the determinant factor is lack of instruction in reading, lack of instruction in mathematics, or limited English proficiency. Although these areas may impact a student's school performance, each must be ruled out as the primary cause of the student's lack of educational achievement. If any of these factors is the determinant factor, the child must not be found eligible as a child with a disability. The eligibility committees should use data from all available records, parents, teachers and other resources to ensure that the student was exposed to high quality instruction and that lack of academic achievement is not primarily due to a lack of instruction in reading or mathematics or limited English proficiency. (p. 36)

### **Other Considerations**

### **Educational Identification and Medical Diagnosis**

Prescriptions, diagnosis, or reports issued by licensed medical professionals, using medical diagnosis and classification systems such as the International Statistical Classification of Diseases and Related Health Problems (ICD) and Diagnostic and Statistical Manual of Mental Disorders 5<sup>th</sup> Edition (DSM 5), must be considered but are not sufficient to make an eligibility determination. The group must consider information from multiple sources that documents the presence of impairment, the adverse impact on educational performance, and the need for specially designed instruction. (p. 36)

### **Exclusionary Factors**

C-SEP users should thoroughly document their consideration and ruling out of exclusionary factors as the primary factors of a student's lack of educational achievement as required by federal and state guidance. Among these factors, the lack of appropriate instruction in reading and math, as well as limited English proficiency must be considered. In instances where an exclusionary factor could explain a child's lack of educational achievement, this student may not be found eligible. Team members should collect, merge and analyze multiple sources of data and rule exclusionary factors out independently. C-SEP users may select to leverage the Exclusionary Factors worksheet to ensure that each factor is carefully considered and ruled out.

### **Other Considerations**

# **Educational Identification and Medical Diagnosis**

Careful consideration must be given to the health and wellbeing of a student during an evaluation. This includes taking into account any medical conditions, use of medication, and diagnoses made by licensed healthcare providers and noted in the Diagnostic and Statistical Manual of Mental Disorders 5<sup>th</sup> Edition (DSM 5). Such diagnosis cannot individually be utilized to make an eligibility determination, but they should be merged and interpreted within multiple sources of data. Evaluators will also have to cautiously weigh the impact of these conditions on the behavioral or educational performance of the child.

When a medical diagnosis is presented, groups should address the difference between educational identification under IDEA and medical diagnosis and review the criteria for the specific disability category mandated by the Virginia special education regulations. (p. 36)

Students may meet the criteria for educational identification as a child with a disability under one of the federal disability categories without having a medical diagnosis. It is also possible for a student to have a medical diagnosis but not meet the criteria for an educational identification as a child with a disability. (p. 36)

# Disproportionality

The eligibility committee must consider environmental, cultural, and economic influences prior to determining if a child has a disability. The over or under representation of racially, culturally, and linguistically diverse students in special education has been an issue of concern in the Office of Civil Rights of the United States Department of Education and continues to be an area that is monitored at the state and national levels. The Office of Special Education Programs (OSEP) of the U.S. Department of Education defines disproportionality as the over identification or under identification of the number of students of a particular racial/ethnic group in any given category of special education. The table below lists examples of environmental, cultural, and economic disadvantages that may affect student performance. Teams should document their consideration of student dialect and disadvantages related to access and exposure that may affect performance when determining eligibility. (p. 36-37)

States are required to submit data to the federal government in their special education performance plan using local data on race, ethnicity and disability area to determine if any group is overrepresented or underrepresented. Data at the state and local level must be examined to determine whether disproportionality on the basis of race and ethnicity is occurring in the identification and placement as children with disabilities, as well as in the incidence, duration and type of disciplinary action. (p. 37)

Division level policies and procedures must be in place to address disproportionality and avoid inappropriate identification. Eligibility groups should be aware of this issue and understand the reasons that misidentification may occur. (p. 37)

The medical information must be considered against the identification criteria offered under IDEA and Virginia. Only students that meet the criteria can be considered eligible.

Evaluators should keep in mind that a student might meet the criteria for educational identification as a child with a disability under one of the federal disability categories without having a medical diagnosis. It is also equally possible for a student to have a medical diagnosis but not meet the eligibility criteria as a child with a disability.

# Eliminating Disadvantages to Reduce Disproportionality in Referrals

Evaluators are charged with carefully considering and ruling out exclusionary factors as the primary cause of a child's educational challenges. Among other exclusionary factors identified in IDEA, an eligibility committee must consider environmental, cultural, and economic influences prior to determining if a child has a disability. C-SEP provides a checklist for exclusionary factors, which can be singularly used or combined with other resources. Documentation of this process is essential and should be included in the student records and the IEP. Virginia Department of Education (2018) provides a table of some of the disadvantages that should be considered in the domain of environmental, cultural and economic.

C-SEP recommends that evaluators and Team Members be careful to take cultural, racial, and economic factors into consideration when interacting with students and conducting assessments to eliminate potential bias in the process.

Evaluators are expected to track and report race, ethnicity, and disability that are then reported to the state. Check your state and local policy for protocol.

Schools and divisions are expected to have polities and procedures in place to reduce disproportionality and inappropriate identification. Evaluators and Team members should familiarize themselves with these and adhere to them.

Exclusionary Fac	ctors and Examples (p. 37)
Environmental Disadvantages	<ul> <li>Limited background experiences</li> <li>Irregular/poor attendance</li> <li>Transiency-especially in elementary years</li> <li>Home responsibilities interfering with learning</li> </ul>
Cultural Disadvantages	<ul> <li>Limited experiences in majority-based culture</li> <li>Child has had involvement in organizations and activities</li> <li>Secondary standards in conflict with majority-based culture standards, or geographic isolation</li> </ul>
Economic Disadvantages	<ul> <li>Residence/living in a depressed economic area</li> <li>Low family income at subsistence level</li> <li>Family unable to afford enrichment materials and/or experiences</li> </ul>

### **Recommendations to IEP Team or School Staff**

During the evaluation process, group members may identify strengths and weaknesses, educational needs, and opportunities for the student to use strengths to overcome deficits. Information may reflect the results of the assessment components and observations and focus on academic and or behavioral skills. This information is valuable and should be shared with teachers and the IEP Team, as appropriate. (p. 38)

Once a child is found eligible for special education, decisions about the need for related services shall be made by the IEP Team (8VAC20-81-80 E). The eligibility group may share information in the form of recommendations to the IEP Team. These recommendations are documented in the summary of the eligibility meeting or in the individual reports of the evaluators. Virginia regulations require that the eligibility group identify the student's educational needs in addition to determining if the student has a disability. This information assists the IEP Team in developing the student's IEP. (p. 38)

If a student is found not eligible for special education, information relevant to instruction must be provided to the student's teachers and any committee that will be working to support the student. Group members should work together to identify instructional strategies and supports that can be provided in the general education setting and

# Eligibility Committee Recommendations to IEP Team or School Staff

During a C-SEP evaluation, evaluators identify a child's strengths and weaknesses, their educational needs, and potential opportunities to enhance their academic and behavioral performance. These findings are extrapolated from the multiple sources of data collected. Once collected and analyzed, the findings should be shared with relevant stakeholders to ensure that the child acquires the assistance they need. In instances where more than one disability is identified, the Team should order or prioritize the disability identified (Virginia Department of Education, 2021: 27). However, identification of "Multiple Disabilities should be reserved for students whose combination of disabilities results in "such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments." (8VAC20-81-10)" (Virginia Department of Education, 2021: 27).

When a child is found eligible, the IEP Team must decide which services should be made available. While the eligibility group must document recommendations, and should be shared with the IEP Team, the IEP Team ultimately decides on services. Nevertheless, Virginia regulations require that the eligibility group identify the student's educational needs in addition to determining if the student has a disability. By referencing this data, the IEP Team can make its determinations.

share any additional information or resources. (p. 38)

### **Determination of Eligibility and Documentation**

State and federal regulations require documentation of the eligibility process. A copy of completed evaluation reports and a summary of the meeting must be included in the student's education record. The summary of the meeting serves as documentation of the group's discussion and must include the basis for making the determination, information from assessments, any educationally relevant medical findings, classroom observation and behavior noted during the observation and its relationship to academic functioning. Any completed disability worksheets must also be added to the student's education record. (p. 38)

The eligibility group shall work toward consensus while considering data and all state and federal requirements. Participants should ensure that no one voice or one assessment becomes the major factor in the decision-making process. If the group reaches consensus and the decision does not reflect a particular member's conclusion, then the group member must submit a written statement presenting that member's conclusions. The written statement must be attached to the form and placed in the student's record. (p. 39)

### **Group Cannot Reach Consensus**

In the event the group cannot reach consensus, it is the responsibility of the LEA representative to provide a data-based decision in accordance with federal and state regulations. The LEA representative should document the decision, provide copies of all appropriate forms and prior written notice to the parents, and gather members' statements as appropriate. (p. 39)

**NOTE**: Because they are designated to represent the LEA and are trained in special education regulations, the LEA Representative cannot disagree with the determination of the LEA. (p. 39)

Evaluations are prompted because a child is struggling. For this reason, all evaluations should be leveraged to their fullest extent to ensure a child obtains what they need to succeed. For this reason, in instances where a child is not found eligible, the information gleaned from the evaluation should be used to provide teachers and other stakeholders with insight into which supports the child needs. Group members should work together to identify instructional strategies and supports that can be provided in the general education setting and share any additional information or resources.

# **Determination of Eligibility and Documentation**

Federal and state statute requires an evaluation and its findings be documented. A copy of completed evaluation reports and a summary of the meeting must be included in the student's education record. The summary of the meeting serves as documentation of the group's discussion and must include the basis for making the determination, information from assessments, any educationally relevant medical findings, classroom observation and behavior noted during the observation and its relationship to academic functioning. Any completed worksheets must also be added to the student's education record. These state requirements are ideal for demonstrating that a comprehensive evaluation was conducted.

When collectively analyzing the data, the eligibility members should try to reach a consensus within existing federal and state regulations. Within the group, interpretation of the data should be a collective endeavor and decisions should be based on shared understanding of multiple sources of data. In instances where an individual member's conclusion does not correspond with the collective, this dissention should be thoroughly documented and included in documentation of the evaluation and the student's records.

### **Inability to Reach Consensus**

Should a committee be unable to achieve consensus, the appointed LEA is authorized to make a decision based upon the data available and compliance with federal and state regulations. This decision should be thoroughly documented and documentation should be shared with stakeholders. Consult Virginia regulations for specific instructions.

### **Prior Written Notice**

Once the evaluation process is completed and the eligibility group has made a determination as to whether or not the student is eligible for special education and related services, the group must develop and provide a prior written notice to the parent. It is important that each item in the prior written notice be addressed. (p. 39)

The group must make sure to address any items that the parent requested that the school division refused, as well as document any disagreement among the group members. The prior written notice must be provided to the parent at the time informed parental consent is sought. This is generally at the conclusion of the meeting when seeking consent or within a reasonable time thereafter if consent is not being sought at the meeting. A best practice would be to ensure that the prior written notice is provided no later than ten days following the meeting. (p. 39)

### **Prior Written Notice**

Subsequent to the conduct of an evaluation and a decision on eligibility being made, prior written notice must be drafted and presented to the parent. Adhere to the guidance regulating prior written notice as outlined in federal and state standards.

If a parental made requests, and these were refused, these must be clearly addressed in the prior written notice. Additionally, parents should equally be informed about any disagreement among group members. According to regulations, prior written notice must be provided to the parent at the time informed parental consent is sought. This is generally at the conclusion of the meeting when seeking consent or within a reasonable time thereafter if consent is not being sought at the meeting. A best practice would be to ensure that the prior written notice is provided no later than ten days following the meeting.

### **Related Services: Additional Considerations**

Specific information about the regulatory requirements for referral, evaluation, and decision making for related services are embedded throughout the first sections of this guidance document. The following sections are provided to assist related service providers, IEP Teams, and parents. (p. 40)

### **Overview and Definition**

Some children may require specific services to be written into their IEP so they can benefit from their special education program. In order to make decisions about related services, IEP Teams must review evaluation data and document their decisions. Related service providers with expertise should have input and may be a part of the IEP Team or may contribute information in writing or by consulting with parents or staff. When the IEP Team adds any service that is required for the student to benefit from special education, it is considered a related service. (p. 40)

Related services are only available to students with disabilities and are determined by the IEP Team. Eligibility teams may not determine related services. If eligibility teams review related service evaluation data, recommendations may be provided to the IEP Team. (p. 40)

### **Related Services: Additional Considerations**

Evaluators and Team Members should always adhere to the regulatory requirements for referral, evaluation, and decision making for related services. Stakeholders should familiarize themselves with both federal and state regulations and remain abreast of changes or amendments. Regardless of the evaluation process used to collect and analyze data, federal, state and local regulations and standards must be maintained.

### Overview and Definition

C-SEP encourages evaluators to collect, merge and process data in a manner that provides a clear understanding of a child's strengths and weaknesses. From this information, eligibility decisions can be made and specific recommendations for accommodations and/or services can be determined. All members should contribute to data collection and participation in group data analysis to ensure their expertise is shared and informed decisions can be made. C-SEP highly encourage that all recommendations of services be made in writing and presented with the other data to all stakeholders.

Only students deemed eligible qualify for services, and these services are determined by the IEP Team. By comparison, eligibility committee members may make recommendations to the IEP Team.

When requesting related service providers interact with or observe a student, IEP Teams must carefully consider the goal and ultimate outcome or action. If the related service provider will provide information for the teacher or parents to assist with instruction, it is considered an instructional screening (8VAC20-81-50 C 3). If the outcome will result in a decision regarding the provision of related services, then it is considered an evaluation. The Virginia Regulations do not allow screening of an individual student unless all students received the same screening. (p. 40)

Related service providers should be familiar with educational requirements of IDEA, the Virginia Regulations, and the differences between educational and clinical processes. If a local education agency (LEA) contracts for the provision of related services, the difference between educational and medical/clinical services and current regulations should be reviewed. (p. 40)

"Related services" means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education and includes speech-language pathology and audiology services; interpreting services; psychological services; physical and occupational therapy; recreation, including therapeutic recreation; early identification and assessment of disabilities in children; counseling services, including rehabilitation counseling; orientation and mobility services; and medical services for diagnostic or evaluation purposes. Related services also include school health services and school nurse services; social work services in schools; and parent counseling and training. (p. 40)

Related services do not include a medical device that is surgically implanted including cochlear implants, the optimization of device functioning (e.g., mapping), maintenance of the device, or the replacement of that device. The list of related services is not exhaustive and may include other developmental, corrective, or supportive services (such as artistic and cultural programs, and art, music, and dance therapy), if they are required to assist a child with a disability to benefit from special education. (§ 22.1-213 of the Code of Virginia; 34 CFR 300.34(a) and (b)) (p. 41)

Related services also include educational interpreters; and services from teachers of the blind/visually impaired and teachers of the deaf/hard of hearing. Additionally, there are some related services that may be requested by a member of the IEP Team that are not frequently discussed.

When related service providers are conducting an evaluation or observing a student, Virginia provides specific guidance on their role and qualifications. IEP Teams and related service providers should consult and adhere to federal and Virginia state regulations.

For a detailed definition of "related services", consult and adhere to Virginia guidance documents.

For a detailed definition of "related services", consult and adhere to Virginia guidance documents.

See above.

Examples of these less frequently provided services include equine therapy (Hippotherapy), aquatic therapy, music therapy, art therapy, parent training, parent counseling, and student counseling services. Any service that the IEP Team determines is required for the student to benefit from their special education program is considered a related service under the Virginia Regulations. Local education agencies and IEP Teams may not arbitrarily refuse services because of the type of service or lack of staff. (p. 41)

IEP Teams must follow appropriate procedures for evaluation to determine if the related service requested is required in order for the student to benefit from their special education program (8VAC20-81-70 B 4). (p. 41)

Related service providers should be familiar with educational requirements of IDEA, the Virginia Regulations, and the differences between educational and clinical processes. If a local education agency (LEA) contracts for the provision of related services, the difference between educational and medical/clinical services and current regulations should be reviewed.

When a request includes nursing or medical services to monitor devices, such as ventilators or feedings, the IEP should address broad medical needs that should be provided or overseen by school staff. The Individualized Healthcare Plan, outlining specific medical procedures, may be attached to the student's IEP and referenced within the IEP. (p. 41)

For a detailed definition of "related services", consult and adhere to Virginia guidance documents.

### Data

Data includes all pieces of information about student performance that are gathered and recorded. Data can be used to make determinations about required services, guide instruction, communicate with parents, develop or revise an IEP, or demonstrate student progress. (p. 44)

Existing data includes data from therapy sessions and interactions with a student when parental permission has been provided and services are rendered through an IEP. New data includes any data collected that may be used to inform team decision making. (p. 44)

### Data

Eligibility decisions within the C-SEP framework are to be deduced from multiple sources of data that has been collected using diverse methods of data collection. The data should be collected, merged and analyzed in order to identify eligibility, to eliminate exclusionary factors, and to determine the extent of the need and the supports and accommodations that a student requires. Eligibility criteria as spelled out in federal and state protocol should be consulted.

Existing data includes data that is readily available on the child, which can include information from therapy sessions and interactions with a student when parental permission has been provided and services are rendered through an IEP, and does not require to be collected. By comparison, new data is defined as any additional data that must be collected to supplement the existing data whereby an informed decision can be made. All decisions made should

Data should be collected when students receive services and reviewed regularly. The IDEA (2007) requires a student's individualized education program (IEP) include a statement of how the child's progress toward the annual goals will be measured. Specific uses of data include:

- To identify current skills levels.
- To develop appropriate, realistic learning objectives.
- To create individualized education programs.
- To monitor and measure progress over time.
- To keep clear records for the IEP Team and educators. (p. 44)

be evidence-based and legally defensible.

Data should be regularly collected on students receiving services and/or support. The findings should be recurrently reviewed to monitor student progress and make service and support adjustments. Idea specifies that an IEP include impact and needs statements which equally include goals. In particular, the goals and objectives set by an IEP should:

- Identify current skills levels.
- Develop appropriate, realistic learning objectives.
- Create individualized education programs.
- Monitor and measure progress over time.
- Maintain clear records for the IEP Team and educators.
- Reporting should occur regularly, and occur as often as including progress report cards and interims (see Virginia Department of Education, 2014).

# **Required Services and Goals**

The IEP Teams must document that the related services are services and supports are "required to assist a child with a disability to benefit from special education." The IEP Team should document their decision and include specific data in the PWN highlighting data and other options considered. There is no litmus test for determining appropriate amounts and types of related services. The IEP Teams must review the data and consider if related services are required for a student to benefit from their special education and related services. (p. 45)

Determination of required services and goals should be discussed with the input of those knowledgeable in the specific related service area. Having related service providers at the meeting will allow the IEP Team to review data, discuss any questions or concerns, address educational relevance, and make appropriate evidence-based decisions regarding services and goals. To ensure evidence based decision-making, the IEP Team should include all appropriate professionals in areas being discussed. (p. 45)

"If the IEP Team determines that a child needs a particular device or service, including an intervention, accommodation, or other program modifications in order for the child to receive a free and appropriate public education, the IEP Team shall include a statement to that effect in the child's IEP" (8VAC20-81-110 E 3). Any recommendations from the eligibility team should also be considered. The IEP Teams are not required to list specific

### **Required Services and Goals**

An IEP must note that related services and supports are "required to assist a child with a disability to benefit from special education." The IEP should equally document the data collected and the methods utilized, how the data was utilized, and the findings extrapolated from its review. The IEP should equally document the decision made and include specific data in the PWN highlighting data and other options considered. From the above, a determination must be made and documented pertaining to the amounts and types of services should be provided.

Committee and Team members should fully participate in the discussion of data and services required, with individuals sharing their expertise and knowledge within the context of what data was collected, how they interpret it, and what it implies. When inconsistencies arise in the data or interpretations of the data, these should be thoroughly discussed and clarified (see, Virginia Department of Education, 2021: 20). Related service providers are beneficial and should be incorporated into teams as required, and they should contribute to data reviews and discussions so that informed and legally defensible decisions are made.

IEP Team members must clearly state in their reports the needs a student has and the associated services or supports they require according to federal and state law. In Virginia, an IEP Team is not required to list specific methodologies, devices, or products in the IEP. The focus should be on the skills and tasks that are required for

methodologies, devices, or products in the IEP. The focus should be on the skills and tasks that are required for participation in the school setting and to access the educational program. Related service providers may provide impressions, suggestions to teachers for resources or instruction, and assistance understanding data related to student performance. (p. 45)

The IEP Teams should consider the student's needs and balance those with other services to ensure the provision of FAPE in the least restrictive environment (LRE). Recommendations from outside clinical providers should be considered by the IEP Team and reviewed for educational relevance, FAPE and LRE. The amount of service should be reasonably calculated for the student to make progress. Data from evaluations and from any services provided may be considered when making this determination. The IEP Teams may determine that a student requires direct service, indirect service, or a combination. Direct services are provided to the student, while indirect services are provided to another professional or the family to assist on behalf of the student. The IEP Teams should indicate the type of service, direct or indirect, to ensure that parents can provide informed parental consent. (p. 45)

participation in the school setting and to access the educational program. Related service providers may provide impressions, suggestions to teachers for resources or instruction, and assistance understanding data related to student performance. While C-SEP encourages IEP Teams to list specific methodologies, devices, or products in its IEP report for the purpose of thorough documentation and the provision of clear recommendations, we recognize that this practice might be omitted by users in Virginia since it is not mandated by the Virginia Department of Education.

The overarching goal of an evaluation is to determine a student's eligibility status and their specific needs whereby the student can follow the curriculum and receive an education in a least restrictive environment. To this end, all sources of relevant data should be carefully collected and merged to make sound decisions on status and need. The (in)direct services and/or supports recommended should be commensurate to the type and severity of the needs of an individual student. The services required should be thoroughly documented so that a parent can provided informed consent to authorize implementation.

For definitions of important vocabulary, such as Special Education, Related Services, Accommodations and other terms, see Virginia Department of Education (2014); Regulations Governing Special Education Programs for Children with Disabilities in Virginia (2010).

# **Educationally Relevant Services**

The IEP Teams and related service providers should focus on educationally relevant services that will support to instruction or are required for the student to receive FAPE. When appropriate, goals may address curriculum or access to the curriculum using functional skills. When instruction for a skill is included in the general education curriculum, like handwriting, the IEP Team should carefully review the data for differentiated instruction provided in class and analyze the impact of strategies already implemented. Healthcare services should be included in the IEP if the service is necessary for the student to receive FAPE. (p. 45-46)

In some cases, the related service provider may be able to consult with the classroom teacher to provide information on differentiating instruction or supports instead of providing direct services. (p. 46)

# **Educationally Relevant Services**

Regardless of the methodology utilized to conduct an evaluation, the IEP Teams and related service providers should focus on educationally relevant services that will support to instruction or are required for the student to receive FAPE. When appropriate, goals may address curriculum or access to the curriculum using functional skills. When instruction for a skill is included in the general education curriculum, the IEP Team should carefully review the data for differentiated instruction provided in class and analyze the impact of strategies already implemented. Virginia Department of Education (2021: 12) highlights the importance of this data, that it shows:

a student's level of responsiveness to strategies or interventions provided gives the team insight into the student's unique learning potential.

Additionally, this data may assist teams confirming that interventions were delivered and the student's challenges are not a result of lack of instruction.

Healthcare services should be included in the IEP if the service is necessary for the student to receive FAPE.

Virginia permits related service providers to consult with the classroom teacher to provide information on differentiating instruction or supports instead of providing direct services.

# **Delivery of Services and Determining and Reporting Progress**

Services provided and therapeutic approaches used should be evidence-based practice (EBP) and reflect relevant research for individual professional areas. Documentation of services provided is necessary. This includes the provision of services, as well as data to be able to document student progress on IEP goals. (p. 46)

Regulations require that IEPs indicate how a student's progress will be measured and:

b. When periodic reports on the progress the child is making toward meeting the annual goals will be provided; for example, through the use of quarterly or other periodic reports, concurrent with the issuance of report cards, and at least as often as parents are informed of the progress of their children without disabilities (8VAC 20-81-110 IEP).

Data collected should be reviewed at regular intervals and analyzed to determine if adjustments to the program should be considered. Monitoring data helps inform students, parents and IEP Team members about a student's performance. It is important to review and summarize data periodically to ensure that students are making progress and consider instructional changes. (p. 46)

# **Delivery of Services and Determining and Reporting Progress**

Regardless of the evaluation process utilized, only evidence-based services or approaches should be utilized. Moreover, these should be individualized to meet each student's needs. Standards require that these be properly documented, inclusive with established goals and measures to monitor the progress.

Federal and state regulations dictate that goals and progress monitoring must be indicated, with period progress reports being generated to outline effectiveness and further offer recommendations or modifications to the services as required to ensure student progression. Moreover, the fidelity of the program must equally be considered. For guidance on progress monitoring and data-driven decision making, see Virginia Department of Education (2021: 16-17). This information should be shared with all relevant stakeholders, including parents and teachers. Consult Virginia law for additional details.

For further information on modified content, modified methodology, and modified delivery, see Virginia Department of Education (2021: 24).

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