

\*Cross reference throughout guidelines

CHAPTER 60	CHAPTER 56 GUIDELINES <i>IDEA 2004 Guidelines</i>	PROPOSED CHAPTER 60 GUIDELINES*
SUBCHAPTER 5 EVALUATIONS AND ELIGIBILITY DETERMINATIONS		
<p>§8-60-33 <u>Initial evaluations.</u> (a) General. The department shall conduct a full and individual initial evaluation, in accordance with sections 8-60-36 and 8-60-38, before the initial provision of special education and related services to a student with a disability.</p> <p>(b) Request for initial evaluation.</p> <p>Consistent with the consent requirements in section 8-60-31, either a parent of a student or the department may initiate a request for an initial evaluation to determine if the student is a student with a disability.</p> <p>(c) Procedures for initial evaluation. The initial evaluation:</p> <p>(1) Shall be conducted within 60 days of receiving parental consent for the evaluation; and</p> <p>(2) Shall determine:</p> <p>(A) If the student is a student with a disability under sections 8-60-2 and 8-60-39; and</p> <p>(B) The educational needs of the student.</p> <p>(d) Exception. The timeframe described in subsection (c)(1) does not apply to the department if the parent of a student repeatedly fails or refuses to produce the student for the evaluation. [Eff _____ ] (Auth: 20 U.S.C. 1414(a), HRS §302A-1112) (Imp: 34 C.F.R. §300.301)</p>		<p>*Name specific applicable forms that a referring person needs be listed in 8-60-10 (child find) and cross referenced in Child Find to 8-60-31 and 8-60-33</p> <p><b>Prior agreement:</b> Submit evaluation reports to team members five (5) calendar days prior to eligibility determination meeting. <b>Reports will be mailed to the parent unless other arrangements are made.</b></p>
<p>§8-60-34 <u>Screening for instructional purposes is not evaluation.</u> The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services. [Eff _____ ] (Auth: 20 U.S.C. 1414(a)(1)(E), HRS §302A-1112) (Imp: 34 C.F.R. §300.302)</p>		

<p>§8-60-35 <u>Reevaluations</u>. (a) General. The department shall ensure that a reevaluation of each student with a disability is conducted in accordance with sections 8-60-36 through 8-60-43:</p> <p>(1) If the department determines that the educational or related services needs, including improved academic achievement and functional performance, of the student warrant a reevaluation; or</p> <p>(2) If the student's parent or teacher requests a reevaluation.</p> <p>(b) Limitation. A reevaluation conducted under subsection (a):</p> <p>(1) May occur not more than once a year, unless the parent and the department agree otherwise; and</p> <p>(2) Shall occur at least once every 3 years, unless the parent and the department agree that a reevaluation is unnecessary. [Eff _____] (Auth: 20 U.S.C. 1414(a)(2), HRS §302A-1112) (Imp: 34 C.F.R. §300.303)</p>	<p><del>Every student with a disability must be reevaluated at least once every three years, often referred to as a "triennial. Its purpose is to find out if the child continues to be a "student with a disability," and what the student's educational needs are. However, the student must be reevaluated more often if conditions warrant or if the child's parent or teacher asks for a reevaluation.</del></p> <p>Once a student has been fully evaluated the first time, the student is found eligible under IDEA/Chapter 60, and the required services have been determined, any subsequent evaluation of the student would constitute a reevaluation.</p> <p>When conducting a reevaluation the appropriate team members must decide if additional data is needed to determine if the child continues to be a "child with a disability" and what the child's educational needs are. <u>This may be accomplished without a meeting.</u> The IEP team, in conducting a reevaluation, may determine that no additional data is needed to determine whether the student continues to be eligible for services. In such a situation, the school will inform the parent of this determination and of their right to request an assessment to determine whether their child continues to be a student with a disability. If the parent so requests, an assessment will be conducted.</p>	<p>Once a student has been fully evaluated the first time, the student is found eligible under IDEA/Chapter 60, and the required services have been determined, any subsequent evaluation of the student would constitute a reevaluation.</p> <p><b>If the student has been decertified, the subsequent evaluation would be an initial.</b></p> <p><b>If the student is coming from out of state with an IEP, the IEP is accepted and comparable services are provided and the initial evaluation process begins.</b></p> <p>When conducting a reevaluation the appropriate team members must decide if additional data is needed to determine if the child continues to be a "child with a disability" and what the child's educational needs are. <u>This may be accomplished without a meeting.</u> The IEP team, in conducting a reevaluation, may determine that no additional data is needed to determine whether the student continues to be eligible for services. In such a situation, the school will inform the parent of this determination and of their right to request an assessment to determine whether their child continues to be a student with a disability. If the parent so requests, an assessment will be conducted.</p>
<p>§8-60-36 <u>Evaluation procedures</u>. (a) Notice. The department shall provide notice to the parents of a student with a disability, in accordance with section 8-60-58, that describes any evaluation procedures the department proposes to conduct.</p> <p>(b) Conduct of evaluation. In conducting the evaluation, the department shall:</p> <p>(1) Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student, including information</p>	<p><i>The purpose of the evaluation is to identify learners who are eligible for special education and related services by determining the presence of a disability.</i></p> <p><i>The purpose of assessments is to gather relevant and meaningful information that will assist with the determination of the educational needs of the child.</i></p> <p><i>Teams are required to use a variety of assessment tools and strategies to gather relevant functional, developmental and academic information on the child.</i></p> <p><i>Teams must NOT use a single measure or assessment to determine eligibility or educational programming.</i></p> <p><i>Teams need to gather information utilizing tools that are</i></p>	<p><i>The purpose of the evaluation is to identify learners who are eligible for special education and related services by determining the presence of a disability.</i></p> <p><i>The purpose of assessments is to gather relevant and meaningful information that will assist with the determination of the educational needs of the child.</i></p> <p><i>Teams are required to use a variety of assessment tools and strategies to gather relevant functional, developmental and academic information on the child.</i></p> <p><b>Prior Agreement: The student will be assessed by at least one teacher or other specialist with knowledge in the area of <u>concern</u> or <u>suspected disability</u>.</b></p>

<p>provided by the parent, that may assist in determining:</p> <p>(A) Whether the student is a student with a disability under sections 8-60-2 and 8-60-39; and</p> <p>(B) The content of the student's IEP, including information related to enabling the student to be involved in and progress in the general education curriculum (or for a preschool student, to participate in appropriate activities);</p> <p>(2) Not use any single measure or assessment as the sole criterion for determining whether a student is a student with a disability and for determining an appropriate educational program for the student; and</p> <p>(3) Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.</p> <p>(c) Other evaluation procedures. The department shall ensure that:</p> <p>(1) Assessments and other evaluation materials used to assess a student:</p> <p>(A) Are selected and administered so as not to be discriminatory on a racial or cultural basis;</p> <p>(B) Are provided and administered in the student's native language or other mode of communication and in the form most likely to yield accurate information on what the student knows and can do</p>	<p><i>not discriminatory on a racial or cultural basis. To obtain a holistic view of what the child knows and can do academically, developmentally and functionally, teams MUST gather information from a variety of sources utilizing a variety of assessment tools such as (but not limited to):</i></p> <p><i>Descriptive analysis (anecdotal data)</i>  <i>Developmental history</i>  <i>Checklists</i>  <i>Observation notes of how child functions in natural learning environments</i>  <i>Teacher interview</i>  <i>Parent notes and interview</i>  <i>Work samples</i>  <i>Tests</i></p> <p><i>Assessing a child in this manner shows measurable developmental growth, and provides meaningful information regarding the child's strategies as a learner. For those children who communicate utilizing another language the team must obtain information on what the child knows and can do within their own culture. This would involve comparing a child's abilities to other children who come from the same community with similar cultural and linguistic experiences through parent interviews. The assessor should ask the parent about the types of words the child knows or uses the child's history of language development and how this compares to other children who are from the same background or culture.</i></p> <p><i>Questions to ask regarding the child's language development history may include:</i></p> <p><i>What types of words does your child know or use?</i>  <i>When your child first began talking; how did it compare to his siblings, peers or cousins?</i>  <i>What do you think is different about his talking?</i>  <i>What does he sound like now in comparison to others who speak your language? Does it sound like baby talk or a much younger child?</i>  <i>When did your child start talking? How does that compare to other children who are from the same background or culture?</i>  <i>When children start school in your culture, what are</i></p>	<p><i>Teams must NOT use a single measure or assessment to determine eligibility or educational programming. Teams need to gather information utilizing tools that are not discriminatory on a racial or cultural basis. To obtain a holistic view of what the child knows and can do academically, developmentally and functionally, teams MUST gather information from a variety of sources utilizing a variety of assessment tools such as (but not limited to):</i></p> <p><i>Descriptive analysis (anecdotal data)</i>  <i>Developmental history</i>  <i>Checklists</i>  <i>Observation notes of how child functions in natural learning environments</i>  <i>Teacher interview</i>  <i>Parent notes and interview</i>  <i>Work samples</i>  <i>Tests</i></p> <p><i>Assessing a child in this manner shows measurable developmental growth, and provides meaningful information regarding the child's strategies as a learner. For those children who communicate utilizing another language the team must obtain information on what the child knows and can do within their own culture. This would involve comparing a child's abilities to other children who come from the same community with similar cultural and linguistic experiences through parent interviews. The assessor should ask the parent about the types of words the child knows or uses the child's history of language development and how this compares to other children who are from the same background or culture.</i></p> <p><i>Questions to ask regarding the child's language development history may include:</i></p> <p><i>What types of words does your child know or use?</i>  <i>When your child first began talking; how did it compare to his siblings, peers or cousins?</i>  <i>What do you think is different about his talking?</i>  <i>What does he sound like now in comparison to others who speak your language? Does it sound like baby talk or a much younger child?</i>  <i>When did your child start talking? How does that compare to other children who are from the same background or culture?</i>  <i>When children start school in your culture, what are they expected to know – do they have songs or rhymes that all</i></p>
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<p>academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer;</p> <p>(C) Are used for the purposes for which the assessments or measures are valid and reliable;</p> <p>(D) Are administered by trained and knowledgeable personnel; and</p> <p>(E) Are administered in accordance with any instructions provided by the producer of the assessments.</p> <p>(2) Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.</p> <p>(3) Assessments are selected and administered so as best to ensure that if an assessment is administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).</p> <p>(4) The student is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, visual and auditory processing, and</p>	<p><i>they expected to know – do they have songs or rhymes that all children learn – was your child able to pick up those skills?</i></p> <p><i>Can you give me an example?</i></p> <p><i>How are children taught in your culture – is it by showing and doing?</i></p> <p><i>With new tasks did he pick up the information fairly quickly?</i></p> <p><i>Utilizing this type of information the assessor can then engage the child in tasks, look at classroom performance, observe, etc. and integrate the information based on the child's own language experiences in his culture.</i></p> <p><i>Another example would include the assessment of non-verbal children. Observations of how the child uses meaningful gestures or symbols to communicate in the learning environments would reveal relevant information about how the child functions communicatively. This can be obtained by observing the child using facial expressions, body language, natural gestures, symbols, and other communication behaviors for a variety of functions such as calling attention, greeting, requesting, rejecting, initiating, etc. These observations should be validated through teacher and parent interviews with questions such as:</i></p> <p><i>What kinds of words does the child seem to know?</i></p> <p><i>How do you know he knows it – can you give me an example?</i></p> <p><i>When does he or she do it? How frequently?</i></p> <p><i>These are just a few examples of how one can elicit accurate and authentic information about a child without relying solely on standardized measures.</i></p>	<p><i>children learn – was your child able to pick up those skills?</i></p> <p><i>Can you give me an example?</i></p> <p><i>How are children taught in your culture – is it by showing and doing?</i></p> <p><i>With new tasks did he pick up the information fairly quickly?</i></p> <p><i>Utilizing this type of information the assessor can then engage the child in tasks, look at classroom performance, observe, etc. and integrate the information based on the child's own language experiences in his culture.</i></p> <p><i>Another example would include the assessment of non-verbal children. Observations of how the child uses meaningful gestures or symbols to communicate in the learning environments would reveal relevant information about how the child functions communicatively. This can be obtained by observing the child using facial expressions, body language, natural gestures, symbols, and other communication behaviors for a variety of functions such as calling attention, greeting, requesting, rejecting, initiating, etc. These observations should be validated through teacher and parent interviews with questions such as:</i></p> <p><i>What kinds of words does the child seem to know?</i></p> <p><i>How do you know he knows it – can you give me an example?</i></p> <p><i>When does he or she do it? How frequently?</i></p> <p><i>These are just a few examples of how one can elicit accurate and authentic information about a child without relying solely on standardized measures.</i></p>
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<p>(5) motor abilities; Assessments of students with disabilities who transfer from one public school to another public school in the same school year are coordinated with those students' prior and subsequent schools, as necessary and as expeditiously as possible to ensure prompt completion of full evaluations.</p> <p>(6) In evaluating each student with a disability under sections 8-60-36 through 8-60-38, the evaluation is sufficiently comprehensive to identify all of the student's special education and related services needs, whether or not commonly linked to the disability category in which the student has been classified.</p> <p>(7) Assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the student are provided. [Eff ] (Auth: 20 U.S.C. 1414(b)(1)-(3), 1412(a)(6)(B), HRS §302A-1112) (Imp: 34 C.F.R. §300.304)</p>		
<p><u>§8-60-37 Additional requirements for evaluations and reevaluations.</u> (a) Review of existing evaluation data. As part of an initial evaluation (if appropriate) and as part of any reevaluation, the IEP Team and other qualified professionals, as appropriate, shall:</p> <p>(1) Review existing evaluation data on the student, including:</p> <p>(A) Evaluations and information provided by the parents of the student;</p> <p>(B) Current classroom-based or State assessments, and classroom-based observations; and</p>		

<p>(2) (C) Observations by teachers and related services providers; and</p> <p>On the basis of that review, and input from the student's parents, identify what additional data, if any, are needed to determine:</p> <p>(A) (i) Whether the student is a student with a disability, as defined in sections 8-60-2 and 8-60-39 and the educational needs of the student; or</p> <p>(ii) In case of a reevaluation of a student, whether the student continues to have such a disability, and the educational needs of the student;</p> <p>(B) The present levels of academic achievement and related developmental needs of the student;</p> <p>(C) (i) Whether the student needs special education and related services; or</p> <p>(ii) In the case of a reevaluation of a student, whether the student continues to need special education and related services; and</p> <p>(D) Whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the IEP of the student and to participate, as</p>	<p><b>Need for Additional Data</b></p> <p>If the school feels that additional data is needed to make an eligibility determination and determine educational needs, informed parental consent is required before conducting the assessments. (For information on Parent Consent, refer to page 69.) Also ensure that the Prior Written Notice of the proposal to evaluate/assess is provided before moving forward with the assessment. (Refer to page 9 for more information.)</p> <p>The team may determine that no additional data is needed to determine whether the student is eligible for services.</p> <p>In such a situation, the school will inform the parent of this determination and of their right to request an assessment to determine whether their child is a student with a disability.</p> <p>If the parent so requests, an assessment will be conducted.</p>	<p><b>Need for Additional Data</b></p> <p>If the school feels that additional data is needed to make an eligibility determination and determine educational needs, informed parental consent is required before conducting the assessments. (For information on Parent Consent, refer to <b>8-60-2 or 8-60-31</b>.) Also ensure that the Prior Written Notice of the proposal to evaluate/assess is provided before moving forward with the assessment. (Refer to <b>8-60-58</b> for more information.)</p> <p>The team may determine that no additional data is needed to determine whether the student is eligible for services.</p> <p>In such a situation, the school will inform the parent of this determination and of their right to request an assessment to determine whether their child is a student with a disability.</p> <p>If the parent so requests, an assessment will be conducted.</p>
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<p>appropriate, in the general education curriculum.</p> <p>(b) Conduct of review. The group described in subsection (a) may conduct its review without a meeting.</p> <p>(c) Source of data. The department shall administer such assessments and other evaluation measures as may be needed to produce the data identified under subsection (a).</p> <p>(d) Requirements if additional data are not needed.</p> <p>(1) If the IEP Team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the student continues to be a student with a disability, and to determine the student's educational needs, the department shall notify the student's parents of:</p> <p>(A) That determination and the reasons for the determination; and</p> <p>(B) The right of the parents to request an assessment to determine whether the student continues to be a student with a disability, and to determine the student's educational needs.</p> <p>(2) The department is not required to conduct the assessment described in paragraph (1)(B) unless requested to do so by the student's parents.</p>		
<p>(e) Evaluations before change in eligibility.</p>		

<p>(1) Except as provided in paragraph (2), the department shall evaluate a student with a disability in accordance with sections 8-60-36 through 8-60-43 before determining that the student is no longer a student with a disability.</p> <p>(2) The evaluation described in paragraph (1) is not required before the termination of a student's eligibility due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for FAPE under State law.</p>	<p><i>Schools are not required to provide evaluations for postsecondary agencies, such as Vocational Rehabilitation, the Department of Health, or post-secondary educational institutions to meet their entrance or eligibility requirements as students with disabilities. Also, schools are not required to provide the post-secondary services that may be included/written in the Summary of Performance. However, should the IEP team decide that an evaluation is needed to develop an appropriate transition plan as part of the IEP, an evaluation must be done. For example, if a 10th grade student aspires to enroll in an auto mechanics program at the community college, but has not had a reevaluation with assessments since grade 3, a reevaluation could be necessary to determine the academic services needed to assist the student in transitioning to and being successful at the community college.</i></p>	<p><i>Schools are not required to provide evaluations for postsecondary agencies, such as Vocational Rehabilitation, the Department of Health, or post-secondary educational institutions to meet their entrance or eligibility requirements as students with disabilities. Also, schools are not required to provide the post-secondary services that may be included/written in the Summary of Performance.</i></p> <p><i>However, should the IEP team decide that an evaluation is needed to develop an appropriate transition plan as part of the IEP, an evaluation must be done. For example, if a 10th grade student aspires to enroll in an auto mechanics program at the community college, but has not had a reevaluation with assessments since grade 3, a reevaluation could be necessary to determine the academic services needed to assist the student in transitioning to and being successful at the community college.</i></p> <p><b>Prior agreement:</b> clarify that IDEA only exempts reevaluations before a change in eligibility for students who graduate from high school with a regular high school diploma—not a GED or competency-based diploma.  <b>To be:</b>  <b>If a student has graduated with a high school, GED or competency-based diploma, a reevaluation will not be conducted and IDEA services are terminated.</b></p>
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