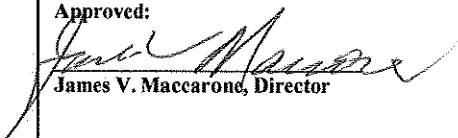


Other Information:

<b>MISSISSIPPI DEPARTMENT OF HUMAN SERVICES                      DIVISION OF YOUTH SERVICES                      JUVENILE INSTITUTIONS</b>	
<b>Subject:</b> <b>Special Education: Initial Evaluation</b>	<b>Policy Number:</b> <b>6</b>
<b>Number of Pages:</b> <b>31</b>	<b>Section:</b> <b>XII</b>
<b>Attachments</b> A. Initial Parent Contact Form B. Parental Consent for Evaluation/Reevaluation Form C. Evaluation Plan D. Initial Placement Timeline Form E. Pupil Personal Data Sheet F. Parent Notification of Special Education Eligibility Committee Meeting Form G. Second Parent Notification of Special Education Committee Meeting Form H. Consent for Placement for Special Education Services Form I. Contact Log J. Initial Evaluation Tracking Log K. IEP (Form can be found at Mississippi Department of Education website)	<b>Related Standards &amp; References</b> Individuals with Disabilities Education Act Amendment of 2004 (IDEA '04) and Regulations Mississippi Department of Education, Office of Special Education Policies (2013) Mississippi Department of Education, Office of Special Education Procedures (2016) Mississippi Nonpublic School Accountability Standards, 2004
<b>Effective Date:</b> 06/09/2006, Reviewed 10/06/08, 12/15/10, 06/09/14, Revised 02/01/17	<b>Approved:</b>  James V. MacCarone, Director

**I. POLICY**

It is the policy of the Mississippi Department of Human Services, Division of Youth Services (MDHS/DYS) to provide a comprehensive evaluation to determine eligibility for special education services for all students suspected of having a disability.

**II. DEFINITIONS and PROCEDURES**

As used in this policy, the following definitions and procedures apply:

**A. Assessment Team or Multi-disciplinary Evaluation Team** – The Assessment Team or the Multi-disciplinary Evaluation Team is a group of mandated evaluators responsible for evaluating a student and making a recommendation of eligibility to the IEP Team. Depending upon the requirements of the specific evaluation and the nature of the child’s suspected disability, many different people may be members of the MET. The MET must consist of the parents or guardians

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designated to make educational decisions for the child (unless they choose not to participate), qualified professionals from the list below who can administer individual diagnostic assessments and interpret the results, a general education teacher and/or care providers with direct knowledge of the child. It is recommended a MET Chairperson who can allocate school resources for the evaluation and resolve disagreements in eligibility determination decisions be included as needed.

## **B. Evaluation Reports**

At the conclusion of the evaluation, the MET must document their findings in an evaluation report(s). The MET has the discretion to compile all evaluation information into a single comprehensive report or to allow evaluation team members to submit individual reports. The evaluation report(s) summarizes the child's current status in all relevant developmental areas, functional levels, and (pre-) academic performance. A description of areas of strengths, weaknesses, and significant deficit(s), if any, should be included in the evaluation summary.

A copy of all evaluation report(s) must be provided to the parent at least seven (7) calendar days prior to the meeting to determine eligibility unless the parent has waived this right in writing in advance of the meeting.

*NOTE: The evaluation report must not include any statements regarding the determination of eligibility or disability category. This is a MET decision made as a team at the eligibility determination meeting. Any written conclusions or recommendations from professionals based on evaluation results should be presented at this meeting.*

### **Comprehensive Report**

If the MET is using a comprehensive report, all of the information gathered from existing records and the formal and informal assessments for the evaluation must be integrated and interpreted in the report. This report must be submitted to the MET Chair.

The comprehensive report must include a summary of the following from all examiners:

- Dates of assessments;
- Name, title, and qualifications of examiners, informants, and/or observers;
- Testing conditions and behaviors noted during testing and observations;
- Results and interpretations of assessments;
- Explanations of any deviations from standardized testing procedures; and
- Justifications of use of instruments that are not age-appropriate.

The comprehensive report must also include the signatures of the examiners and individuals involved in writing the report and the date the report was completed. This date serves as the date that the evaluation is completed; therefore, it must be within sixty (60) calendar days of parental consent for the comprehensive evaluation.

### **Individual Reports**

If the MET is using individual reports, information gathered from existing records and formal and informal assessments by each examiner must be described and interpreted in his/her report. Each report must be submitted to the MET Chair.

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*NOTE: The MET will integrate the information from individual reports at the eligibility determination meeting.*

Each individual report must include a summary of the following:

- Date(s) of assessments;
- Name, title, and qualifications of examiner(s), informants, and/or observers;
- Testing conditions and behaviors noted during testing and observations;
- Results and interpretations of assessments;
- Explanations of any deviations from standardized testing procedures; and
- Justifications of use of instruments that are not age-appropriate.

Each individual report must also include the signature of the examiner and any individual involved in writing the report and the date the report was completed. The date of the last report submitted serves as the date that the evaluation is completed; therefore, it must be within sixty (60) calendar days of parental consent for the comprehensive evaluation.

### **C. Eligibility Determination Meeting**

The MET, which includes the parent, must meet within fourteen (14) calendar days of the completion of the evaluation to determine if the child is eligible for special education services. The parent must be invited in writing to attend the eligibility determination meeting. The parent must also be provided a copy of the evaluation report(s) at least seven (7) calendar days prior to the eligibility determination meeting unless the parent waives this right in writing.

The MET **cannot pre-determine** a child's disability before the eligibility determination meeting. However, as specialized personnel are required to determine eligibility for some disability categories, the MET must ensure that any required examiners must be available to participate in the decision-making process. MET members may participate in person, by submitting a written statement, or by other technological means such as by phone. Assessment information may need to be explained to the parent at the beginning of the meeting to allow the parent to participate in the determination of the presence of a disability; therefore, one (1) or more members of the MET must be available at the eligibility determination meeting who can explain the evaluation data and report(s) to the parents.

In the event that the parent cannot participate in the eligibility determination meeting despite good faith efforts to accommodate the parent's schedule, the public agency must hold the meeting within the deadline to prevent a delay in determining the eligibility of the child. However, the public agency must provide the parent a copy of the Eligibility Determination Report or other documentation of the MET's determination of eligibility or ineligibility, and, if eligible, a Prior Written Notice of the public agency's intention to develop and implement an Individualized Education Program (IEP) for the child.

### **D. Eligibility Determination Report**

During the eligibility determination meeting, the MET, which consists of the parent, the child (if

appropriate), a qualified examiner, and a regular education teacher with knowledge of the child,

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the general curriculum, and Tiered Intervention supports, must review the evaluation report(s) to create an eligibility determination report to document the decision of the MET about the determination of eligibility for the child and, if eligible, the child's disability category. A MET Chairperson (e.g., the individual who has the ability to allocate school resources **for the evaluation** and resolve disagreements in eligibility determination decisions or a designee) should also be in attendance. The MET may then document the agreement or disagreement of each team member on the Eligibility Determination Report that contains all the required information. All individuals who participate in the eligibility determination meeting must sign the eligibility determination report, and the report must be dated

#### **E. Individualized Education Program (IEP)**

If the MET determines that a child is eligible for special education and related services, the public agency will form an IEP Committee, composed of an agency representative, the child's educators, the parent, and, if appropriate, the child. The IEP Committee must meet to develop an IEP to provide the child with special education and related services, supplemental aids and services, program modifications and accommodations, and support for school personnel that ensure that the child receives a Free Appropriate Public Education (FAPE) in the child's Least Restrictive Environment (LRE). The child's IEP must be developed within thirty (30) calendar days of the date the child is determined to be eligible for special education by the MET. The MET, which includes the parent, may choose to develop the child's IEP during a meeting held immediately following the eligibility determination meeting or during a separate meeting to be held within thirty (30) calendar days of the eligibility determination meeting. The IEP is developed jointly with the parents to ensure their input in goal development and service provision.

#### **F. Maintaining Data on Eligibility**

The district must maintain records for all children who have been evaluated for special education—whether the child was determined to be eligible or ineligible. The MET Chairperson must ensure the following information is forwarded to the Director of Special Education in accordance with any district or agency procedures:

- The child's name, race, grade/academic placement, and school of attendance;
- The child's eligibility status and the date of the eligibility determination;
- If eligible, the child's disability category; and
- Whether the determination was based on an initial assessment or a reevaluation.

Each public agency must develop policies and procedures for recording and maintaining student special education records to ensure compliance with the provisions of the Family Educational Rights and Privacy Act (FERPA) and the Individuals with Disabilities Education Act (IDEA), including confidentiality, access, and storage provisions.

**G. Section 504** – Section 504 is a part of the Rehabilitation Act of 1973 that prohibits discrimination based upon disability. Section 504 is an anti-discrimination, civil rights statute that requires the needs of students with disabilities to be met as adequately as the needs of the

non-disabled are met. An individual with a disability means a person who has a mental or

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physical impairment which substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. Major life activities include, but are not limited to self-care, manual tasks, walking, seeing, speaking, sitting, thinking, learning, breathing, concentrating, interacting with others, and working.