

**IDEA**

**§ 300.304 Evaluation procedures.**

- b) *Conduct of evaluation.* In conducting the evaluation, the public agency must—
- (1) Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent, that may assist in determining—
    - (i) Whether the child is a child with a disability under § 300.8; **and**
    - (ii) The content of the child’s IEP, including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities);
  - (2) Not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child; **and**
  - (3) Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
- (c) *Other evaluation procedures.* Each public agency must ensure that—
- (1) Assessments and other evaluation materials used to assess a child under this part—
    - (i) Are selected and administered so as not to be discriminatory on a racial or cultural basis;
    - (ii) Are provided and administered in the child’s native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer;
    - (iii) Are used for the purposes for which the assessments or measures are valid and reliable;
    - (iv) Are administered by trained and knowledgeable personnel; and
    - (v) Are administered in accordance with any instructions provided by the producer of the assessments.
  - (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.
  - (3) Assessments are selected and administered so as best to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child’s aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child’s impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).
  - (4) The child 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, and motor abilities;
  - (6) In evaluating each child with a disability under §§300.304 through 300.306, the evaluation is sufficiently comprehensive to identify all of the child’s special education and related service needs, whether or not commonly linked to the disability category in which the child has been classified.
  - (7) Assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided.

## **What is Required for an FIE to Meet the Legal Requirements of IDEA and TEA Rules**

### **IDEA**

#### **variety of assessment tools and strategies**

- Refers to not only the instrument but other strategies
  - Observations
  - Informal assessments (reading word lists, math facts, TOL, ,,)
  - Document differences between formal standard performance and nonstandard or informal with manipulatives, untimed, etc...
  - Teacher data. Parent data

#### **gather relevant functional, developmental, and academic information**

- Functional data
  - A key area often overlooked is communication/oral language skills, how well do they communicate and understand the everyday communication and language in the classroom
    - Instructions
    - Discussions
    - Vocabulary
  - Must address adaptive behavior. If this is a student identified as or suspected of being ID or AU, must have formal assessment (ABAS II /Vineland). Formal assessment scores alone do not satisfy this, the narrative needs to identify their specific needs so that goals and objectives can be developed from that.
  - Are there other functional areas identified by the teacher or parent?
- Developmental
  - Crucial for a young student or a student with a developmental disability such as ID or AU. What areas are there delays in?
  - In most cases, you need a valid IQ score (required for ID), it usually does not address developmental functioning. You may need to use an additional measure such as the Battell 2 or Bayley or if those are unavailable an informal measure such as a developmental checklist to adequately document and understand the student's developmental functioning.
- Academic
  - Should include formal standard measures as well as informal data such as progress monitoring data, teacher data etc.
  - Remember our formal data cannot possibly cover in depth assessment in every area of academics – you may need additional data to address the area of weakness you observe on the formal assessment.
  - Documentation of academic functioning in the classroom is required multiple times in IDEA as well as TEA/Commissioners/SBOE rules. This goes beyond the assessments typically given by the Diagnostician, it is data collected over time from the classroom.

#### **assist in determining**

- Whether the child is a child with a disability

The FIE needs to include the statements from doctors or psychological if not included as part of an integrated report. The summary statements or findings should be included whether or not the student was determined to be a student with a disability in that area to document that it was considered and evaluated by a qualified professional.
- The content of the child's IEP
  - The results of the assessment need to be reported in a manner that presents the strengths and weaknesses in each area assessed for consideration by the IEP/ARD committee to determine the need for goals and objectives in that area. Strengths are important as they may indicate the strategies that will support instruction and mastery of new skills (ex: visual memory was

stronger than auditory memory indicates the need for visual presentation of new skills and information). Significant weaknesses indicate areas that should be addressed through goals and objectives and therefore need to be specific and detailed enough for teachers and the committee to work with.

- Recommendations are to help develop the content of the IEP. If they are to do this, they need to be directly related to the student and the weaknesses identified in the assessments and data included in the report.

**Assessments and other evaluation materials used to assess a child**

- **Are used for the purposes for which the assessments or measures are valid and reliable:**
  - Use the instruments only as the manual indicates they are to be used. Some tests clearly state they are not to be used for eligibility purposes
- **Are administered by trained and knowledgeable personnel:**
  - If you need to administer a test you have not used in a while or have not received specific training in, use on line training sessions or take the time to read the administration chapters in the manual and practice first. Be sure the practice includes actually administering it, not just “playing” with the manipulatives and stimulus.
- **Are administered in accordance with any instructions provided by the producer**
  - Some tests have unique administration rules that you must follow to maintain standardization and use the scores as valid. Ceiling and basal rules are common examples, but some allow teaching items and some don't. Developmental scales often have specific criteria for rating a skill as mastered and some have specific requirements as to how observed (direct observation, interview of teacher/parent, or teacher report).

**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.**

- The assessment instrument is determined based on the individual needs of the student not on the typical battery used by the evaluator. For example, a student with an oral language deficit would need an instrument that included verbal composites but which provided a nonverbal global measure, while a nonverbal student would be best assessed using a true nonverbal measure not just a nonverbal composite. The amount of language loading on subtests needs to be considered. The same consideration needs to be given to visual and motor deficits.
- A second consideration is the subtests that cover an area identified as weak. For example, if working memory has been identified as an area of weakness, does your test measure it with a verbal and a visual memory subtest or just verbal? Once compared (visual to verbal) is a deficit noted?
- **The child 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, and motor abilities;**
  - The FIE (FULL Individual Evaluation) requires all areas of and related to the suspected disability, be assessed. The suspected disability may change and new areas of concern become apparent as you are assessing and need to be assessed not simply reported among other scores in the FIE. Example: reading comprehension is the referral question for the evaluation. IQ scores indicate that verbal comprehension (Gc) is an area of weakness which is seen again in the academic areas measuring oral comprehension skills. This may indicate a speech and language impairment that should be assessed as part of this report. Or a fine motor impairment that indicates an OT evaluation.
  - Some diagnosticians do not test all academic or cognitive areas as they were not a part of the referral question or suspected area of disability. This becomes a problem if a deficit shows up in any area and it is not fully addressed. Ex: long term retrieval (Glr) was not assessed

because it is not part of the Full-Scale IQ on most instruments and reading comprehension is the suspected area of disability. Reading comprehension on the KTEA 3 or WJ IV is a deficit area and item analysis shows vocabulary skills or her ability to use age appropriate vocabulary when reading is weak. Oral vocabulary skills, such as word retrieval on the WJ IV Reading Comprehension are directly related to long term retrieval and may be one of the contributing cognitive deficits.

### **Areas of Concern Found in FIEs**

- Is the student's name correct throughout the report?
- Is the student data correct (birthdate, grade...)?
- Did the assessment instrument address the specific needs of the student?
- Did the assessment instruments fully assess the areas of concern?
  - Do you have one or two low scores that are different from the others? If so, have you discussed why? Do you need to do another subtest to better understand that one score?
- Is documentation of classroom performance and/or RTI data included?
  - There must be some data on classroom performance to document educational need.
  - Does the documentation include progress monitoring, how long the interventions have been provided, what types of interventions are provided?
- Are the scores used in narratives the same as the scores reported in the charts and graphs?
  - check for simple errors when typing and transferring data into the report
  - if you use a format for interpreting data such as the XBASS and the composite scores differ from the scores on the instrument you used, you should report those, where they came from and why you have chosen to use them. Remember you are required by IDEA to use the instruments as they were designed, so if you use something else to interpret them you need to report where those scores came from and why they differ from what the instrument provides.
- Are there statements and explanations relating how the student's performance on the assessments reflects the possible impact the disability will have on classroom functioning. This is especially true of the cognitive sections of the report. As with all areas of the FIE, the ability to explain this to parents and teachers is essential, especially if the statements are computer generated.
- Does the classroom performance data and assessment data from you the diagnostician/evaluator match? If not is there a discussion as to why there are differences?
- If the student has been retained or is significantly older than typical grade level peers have grade level norms been considered and reported along with the age level norms?
- Does assessment data support the statements of weakness and eligibility?
- Is there documentation of specific weaknesses such as current functioning levels and assessment results that are specific enough to lead to the development of goals and objectives for the IEP (instead of listing math calculations as the weakness, what computational skills are weak?)
- Are the recommendations generic, placement based, do they address all identified areas of weakness?
- Have you reported all assessments administered?
- Have you included parent concerns and information?
- Classroom observations should take place when you can observe how the student functions during instruction unless it is a social or behavioral referral. The goal of the observation is to better understand how the student functions in the classroom to develop appropriate recommendations.
- Can you explain your assessment choices, assessment results, your interpretation of the assessment, your summary/conclusions, and recommendations with confidence and answer questions about them?