

THE SCHOOL DISTRICT OF PHILADELPHIA

No. 113.3
SECTION: 100
Programs
TITLE: 113.3 Screening
and Evaluations for
Students with Disabilities
ADOPTED: August 24,
2011
REVISED: January 19,
2017

113.3 SCREENING AND EVALUATIONS FOR STUDENTS WITH DISABILITIES

Purpose

The ~~Board of Education (“Board”)~~ ~~School Reform Commission (SRC)~~ **is committed to ensuring every child has the resources they need to thrive in School District of Philadelphia (“District”) classrooms. The purpose of this policy is** ~~adopts this policy~~ to define the minimum requirements for screening; educational evaluations conducted to determine eligibility for special education services, instructional levels, and programming requirements for students with disabilities, including functional behavioral assessments; and requirements for independent educational evaluations. [1][2][3][4][5][6][7][8][9][10][11][12]

Definitions

For purposes of this policy, terms are defined as follows:

Functional behavioral assessment (“FBA”): ~~a~~ A process to determine the underlying cause(s) ~~and behavior~~ of a student’s **behavior** ~~with a disability~~ that impedes the learning of the student or the learning of the student’s peers. A functional behavioral assessment may include a review of existing data or new data or evaluation, as determined by the Individualized Education Program (“IEP”) team. **The information gathered is used to develop a Positive Behavior Support Plan with the intent of reducing or eliminating the behavior.**

Authority

The ~~SRC~~ **Board** shall adopt a system of screening that may include early intervening services and must be designed to accomplish identification and initial screening for students prior to referral for a special education evaluation. The system shall provide support to staff to improve working effectively with students in the general education curriculum, identify students who may require special education services and programs, and must include hearing and vision screening and screening at reasonable intervals to determine whether students are performing at grade appropriate levels in core academic subjects. [1][7][13][14]

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation is not considered to be an evaluation for eligibility for special education and related services; and as such, parental consent is not required. [145]

Early intervening services shall comply with the requirements of state and federal law and regulations in order to address academic concerns or behaviors that may be impeding success, but which can be resolved through research-based intervention programs in the regular education setting. [7]

The ~~SRC~~ **Board** authorizes the use of ~~functional behavioral assessments (FBAs)~~ as an evaluation to gather information to understand the purpose of the student’s behaviors and to assist with developing a Positive Behavior Support Plan. FBAs must be conducted when: [5][10][11][12][156]

1. A student’s behavior interferes with his/her learning or the learning of others and information is necessary

to provide appropriate educational programming.

2. A student's behavior violates the Code of Student Conduct and is determined to be a manifestation of a student's disability. [156]
3. A student is placed in an interim alternative educational placement for a qualifying reason permitting such placement for up to forty-five (45) school days for certain offenses. [16]
4. The school contacts law enforcement regarding a student who already has a Positive Behavior Support Plan. [12]

FBA's may also constitute part of the initial evaluation to determine eligibility for special education.

The ~~district~~ shall comply with requirements of state and federal laws and regulations when conducting evaluations. [2][6][9][16][17][18]

An appropriate evaluation of a student, whether conducted by ~~district~~ staff or individuals not employed by the ~~district~~, shall **use a variety of assessment tools and strategies to identify all areas of suspected disability, including any related service needs of the student** ~~consist of the administration of all testing and the use of all assessment procedures required to determine the existence of all legally defined disabilities reasonably suspected by district staff, parents/guardians, or the evaluator.~~ An appropriate evaluation shall **identify the student's educational needs and assist in the development** ~~determining the content of the an~~ IEP **that will** ~~to~~ enable a student with a disability to be involved in and progress in the general curriculum.

A student shall be assessed in all areas related to the suspected disability including, as appropriate, health; vision; hearing; social, emotional and behavioral status; general intelligence; academic performance; communicative status; and motor abilities.

A re-evaluation of a student who currently has an IEP shall be conducted as required by state and federal laws and regulations, and in accordance with applicable administrative procedures. [3][6][17][18][19]

Delegation of Responsibility

N/A

Mandatory Regulatory Procedures:

Parent/Guardian Requests

~~Parents/Guardians of students may request an evaluation at any time. oral or written request for an evaluation by a parent or guar shall be directed to the building principal; the date received shall be recorded on the request. The building principal shall to the parents/guardians within ten (10) calendar days of the request. [1][2]~~

Parents/Guardians of students may request an evaluation **or a re-evaluation** at any time. ~~Written requests from parents/guardians~~ **Any oral or written request for an evaluation or a re-evaluation by a parent or guardian made to any District employee** shall be directed to the building principal; the date received shall be recorded on the request, **if written**. If a request is made orally to any professional employee or administrator, that individual shall provide a copy of the permission to evaluate form to the parents/guardians **The building principal shall ensure that either a PTE/PTRE form or a NOREP denying the request for an evaluation or re-evaluation, along with a copy of the Procedural Safeguards Notice in the parent's native language, is issued by the appropriate School Psychologist or school-based special education staff to the parents/guardians** within ten (10) calendar days of the oral request. [1][2]

~~Within ten (10) calendar days of receiving the written or oral request, the district shall contact the parents/guardians to invite them to a meeting to review data and the parental request for evaluation/re-evaluation.~~

The ~~d~~District shall provide all required notices, procedural safeguards, and information to parents/guardians in their native language or mode of communication, document all consents and responses of parents/guardians, and adhere to all established timelines, in accordance with applicable state and federal laws and regulations, and ~~d~~District administrative procedures. [1][2][3][6][16][17][19][18][20]

The evaluation shall be completed and a copy of the evaluation report presented to parents/guardians no later than sixty (60) calendar days after receipt of written parent/guardian consent for an evaluation, exclusive of the period following the last day of the spring school term to the first day of the subsequent fall term.

Appropriate Evaluations

An appropriate evaluation shall use a variety of assessment tools and strategies to gather relevant functional, developmental, behavioral, and academic information about a student, including information from parents/guardians; shall use technically sound instruments; and shall not use a single measure as the sole criterion for determining eligibility. [2][6][8][9]

An appropriate evaluation shall be conducted in accordance with applicable law and regulations and administrative procedures, and shall include but not be limited to the following elements:

1. Review of the following types of information prior to conducting testing and assessments:
 1. Testing and assessment techniques required in light of information currently available from previous evaluations,
 2. Information from parents/guardians and school staff familiar with the performance of the student,
and
 3. The student's education records.
2. Review of assessments conducted by others that indicate how the student is responding to early intervening services and scientific research-based instruction and/or inclusion of such assessments as part of the evaluation.
3. When assessing the presence of a specific learning disability, the evaluation shall be consistent with procedures adopted by the ~~d~~District and comply with state and federal laws and regulations. [4][20]
4. Testing and assessment procedures shall be selected and administered to yield valid measurement or assessment of the construct or quality they purport to measure or assess.
5. Testing and assessment procedures shall be administered in a manner consistent with the requirements and recommendations of the publisher of the test or procedure and in compliance with applicable and authoritatively recognized professional principles and ethical tenets.
6. All assessments and evaluation materials shall be selected and administered so as not to be discriminatory on a racial or cultural basis.
7. ~~Where feasible,~~ assessments and evaluations shall be administered in a language and form most likely to provide accurate information about the student **unless clearly not feasible to do so**.
8. Assessments and evaluation methods shall be administered by trained and knowledgeable personnel.
9. The student shall be assessed in all areas of suspected disability.
10. The evaluation shall include an observation of the student in an educational setting, unless the student is not currently in such a setting, and information concerning the performance of the student directly from at least one (1) current teacher of the student, unless s/he does not have a current teacher.

The evaluation report shall contain:

1. Clear explanation of the testing and assessment results, to include analysis of raw data and interpretation of results, and including the student's strengths and weaknesses.
2. Complete summary of all test scores, including, for all standardized testing administered, all applicable full scale or battery scores; domain or composite scores; and subtest scores reported in standard, scaled, or T-score format.

3. Complete summary of all information obtained or reviewed from other sources.
4. Identification of all special education and related services needs and relevant information that directly assists persons in determining the student's educational needs.
5. Specific, individualized recommendations for consideration by the IEP team for educational programming, placement and instructional and behavioral interventions to enable the student to participate as appropriate in the general education curriculum in the least restrictive environment, as defined by federal and state laws and regulations. [11]
6. Documentation of evaluation components that could not be completed and an explanation as to why they could not be completed.

Re-Evaluations

Re-evaluations shall be conducted in accordance with applicable administrative procedures and within the timeframes required by state and federal laws and regulations unless the parent/guardian and the ~~d~~District agree in writing that a re-evaluation is unnecessary. For students with intellectual disability, the re-evaluation cannot be waived. The group of qualified professionals that reviews the evaluation materials to determine whether the child is a student with a disability shall include a certified school psychologist when evaluating a student for autism, emotional disturbance, intellectual disability, multiple disabilities, other health impairment, specific learning disability, and traumatic brain injury. [3][21][22][23]

Copies of the re-evaluation report shall be disseminated to parents/guardians at least ten (10) days prior to the meeting of the IEP team unless this requirement is waived in writing.

Independent Educational Evaluations

A parent/guardian who disagrees with the results or content of an evaluation performed or obtained by the ~~d~~District may request an independent educational evaluation at ~~d~~District expense. A parent/guardian is entitled to only one (1) independent educational evaluation at public expense each time the ~~d~~District conducts an evaluation with which the parent/guardian disagrees. The independent educational evaluation must arise from parents'/guardians' disagreement with the ~~d~~District's most recent evaluations or re-evaluations of the student. If the parent/guardian requests an independent educational evaluation prior to or during a ~~d~~District evaluation, the ~~d~~District shall issue written notice and procedural safeguards stating that the ~~d~~District has not provided an evaluation, or is currently evaluating the student, and initiate a due process hearing. If an oral request for an independent educational evaluation is made to a professional employee or administrator, that person shall inform the parent/guardian that the request must be in writing. If the native language of the parent/guardian is other than English, the requirement that the parent/guardian make his/her request in writing shall be conveyed by whatever means practicable and in the native language of the parent/guardian. [9]

A written request for an independent educational evaluation at ~~d~~District expense shall be immediately forwarded to the Special Education Director, who may, upon receipt of the written parent/guardian request, ask that the parent/guardian state his/her reasons for disagreement with the evaluation conducted or proposed by the ~~d~~District. The ~~d~~District cannot require the parent/guardian to do so, and the refusal of the parent/guardian shall not delay the process required by this policy.

The ~~d~~District shall also provide an independent educational evaluation at public expense by order of a hearing officer.

The ~~d~~District shall be entitled to a copy of all results of independent educational evaluations conducted at public expense.

The criteria under which the independent educational evaluation at public expense is obtained must be the same

as the criteria used by the ~~the~~District in conducting an appropriate evaluation, including the location of the evaluation and the qualifications of the examiner, to the extent those criteria are consistent with the parent's/guardian's right to an independent educational evaluation at public expense. The qualified examiners who conduct the independent educational evaluation may not be employed by the public agency responsible for the education of the student.

Within ten (10) school days of receipt of a request for an independent educational evaluation in writing from a parent/guardian, the ~~the~~District shall either initiate a due process hearing to show that the ~~the~~District's evaluation is appropriate and notify the parent/guardian in writing that the ~~the~~District has done so or issue to the parent/guardian correspondence containing:

1. Information about where and how an independent educational evaluation may be obtained and the ~~the~~District's criteria for independent educational evaluations-;
2. Assurance that the ~~the~~District will pay for an independent educational evaluation as long as the evaluation meets all of the requirements of an appropriate evaluation and is in compliance with this policy-;
3. Statement that the ~~the~~District will not pay for the evaluation until it receives directly from the evaluator a complete copy of a report of that evaluation and determines that the evaluation is in compliance with this policy-;
4. Request that the parents/guardians consider accessing reimbursement for all or part of the evaluation from public or private sources of insurance or reimbursement, together with a clear assurance that the parent/guardian is not required to do so and that the ~~the~~District will pay any cost not covered by such sources-; **and**
5. Directions that the parent/guardian is responsible for arranging for the evaluation and ensuring that the evaluator contacts the ~~the~~District to arrange for payment of the evaluation.

If the evaluation has already been conducted and paid for, the ~~the~~District shall issue correspondence advising the parent/guardian that the ~~the~~District will not reimburse the parent/guardian for the evaluation until it receives a complete and unredacted copy of the report of the evaluation and determines that the evaluation is in compliance with this policy. **If the District determines, after review, that the evaluation is not in compliance with this policy, the District will not reimburse the parent/guardian for the evaluation.** The ~~the~~District shall require documentation substantiating that the parents/guardians paid for or incurred the obligation to pay for the evaluation without reimbursement from a public or private source of insurance or reimbursement.

The ~~the~~District shall consider the results of all independent educational evaluations regardless of whether the evaluation is conducted at parent/guardian or ~~the~~District expense, as long as the evaluation meets ~~the~~District criteria.

The ~~the~~District shall send the correspondence to the parent/guardian by certified mail or by other independently verifiable means of conveyance and enclose a copy of this policy.

The ~~the~~District shall maintain a list of qualified independent evaluators in each of the various disciplines commonly relied upon to provide education-related evaluations and assessments and shall promptly make that list available to any parent/guardian who requests it.

Legal References:

1. [22 PA Code 14.122](#)
2. [22 PA Code 14.123](#)
3. [22 PA Code 14.124](#)
4. [22 PA Code 14.125](#)
5. [22 PA Code 14.133](#)

6. 20 U.S.C. 1414
 7. 34 CFR 300.226
 8. 34 CFR 300.301-300.311
 9. 34 CFR 300.502
 10. 34 CFR 300.530
 11. **Policy 113 - Special Education**
 12. **Policy 113.2 - Behavior Support**
 13. **Policy 209 - Health Examinations/Screenings**
 14. 34 CFR 300.302
 15. **Policy 113.1 - Discipline of Students with Disabilities**
 16. 34 CFR 300.300-300.311
 17. 34 CFR 300.503
 18. 34 CFR 300.303-300.306
 19. 20 U.S.C. 1415
 20. 34 CFR 300.307-300.311
 21. 34 CFR 300.303
 22. PA Ass'n for Retarded Children (PARC) v. Com. of Pa., 343 F. Supp. 279 (E.D. Pa. 1975)
-
1. ~~Pol. 236~~

Related Information:

20 U.S.C. 1400 et seq 34

CFR Part 300

Pennsylvania Training and Technical Assistance Network (PaTTAN)

Administrative Procedures: