



ARIZONA DEPARTMENT OF  
**EDUCATION**

# Arizona Technical Assistance System

## AZ-TAS

## **EVALUATION PROCESS**

**Exceptional Student  
Services**  
*Updated August 2024*

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# Table of Contents

- Purpose* ..... 3
- Child Find* ..... 3
- Screening* ..... 3
- Referral*..... 4
- Evaluation*..... 5
- Evaluation Timeline* ..... 6
- Evaluation Considerations* ..... 7
- Review of Existing Data* ..... 8
- Parent Consent for Collection of Additional Data* ..... 9
- Determination of Eligibility*..... 9
- Additional Procedures for Identifying a Specific Learning Disability (SLD)* ..... 10
- Additional Team Membership for SLD Determinations* ..... 11
- Specific Documentation for the SLD Eligibility Determination* ..... 11
- Reevaluations*..... 12
- Requirements if Additional Data Are Not Needed* ..... 13
- Evaluation Before a Change in Eligibility*..... 13
- Appendix A: Federal and State Statutory and Regulatory References* ..... 14
- Appendix B: Citations for Individual Categories of Eligibility*..... 15
- Appendix C: Response to Intervention/Multi-tiered System of Supports (RTI/MTSS)*..... 16
- Appendix D: Glossary of Terms*..... 18
- Appendix E: Guidance Grid for Compliance and Best Practice* ..... 21
- Appendix F: Evaluation Process*..... 22

## **Purpose**

This document has been developed to assist school personnel and parents with the procedural requirements of the evaluation process. The forms in Appendix A may be used as guides in documenting the evaluation process.

This document will provide a step-by-step guide to the procedures for use throughout the evaluation process, including reviewing existing data, determining the need for additional data, obtaining parent consent, conducting any needed assessments, and determining eligibility.

This document is meant to be a guide and training tool. Legal citations are included for reference points.

## **Child Find**

(§300.111; A.A.C. R7-2-401.D.5–8)

Under the child find provisions of the Individuals with Disabilities Education Act (IDEA) regulations, each public education agency (PEA) must ensure that all students with disabilities who are in need of special education and related services are identified, located, and evaluated. This includes enrolled students, as well as others within the boundaries of responsibility of a district (privately schooled, home-schooled, highly mobile, migrant, and homeless students).

Although charter schools do not have a boundary of responsibility because their service areas are not defined, they are responsible for child-find activities for all students enrolled in their school.

For all PEAs, child find also includes those students suspected of having a disability who are in need of special education, even though they are advancing from grade to grade. Because of this obligation, the responsibility for child find rests with all staff members who have contact with students.

## **Screening**

PEAs may not rely solely on parents to request special education services for their child but must have a system to locate students needing services. In Arizona, PEAs must screen all students for disabilities within 45 calendar days:

- after the student enters a preschool program or kindergarten,
- after a student enrolls in a new school without appropriate records of screening, evaluation, and progress in school or
- upon notification of concern by the parent.

In Arizona, screening procedures must include hearing and vision status and consideration of cognitive, academic, communication, motor, social, behavioral, and adaptive development.

Screening does not include a comprehensive evaluation, and parental consent is not required.

**Guidance:** Students enroll in school throughout the school year, and the 45-calendar-day timeline needs to be met based on the individual student's enrollment date. It is a good idea to have a procedure that sets up screening dates and timelines to ensure that the 45-calendar-day criteria are being met regardless of the enrollment date or the date a parent brings forward a concern.

## Referral

(§300.301; §300.304; A.R.S. §15-761; A.R.S. §15-766; A.A.C.R7-2-401.B.8 and E)

Despite the best efforts of schools to remedy students' deficiencies by using pre-referral interventions (see Appendix D for more information on pre-referral interventions), some students may not be able to attain the skills needed to make adequate progress in the general curriculum. If a disability is suspected as the underlying reason for this, a student is referred for a full and individual evaluation.

An evaluation of a student must occur before the provision of special education and related services. Either a parent of a student, PEA staff, or an adult student may request an evaluation to determine if the student is eligible as a student with a disability. If the parent of a student refuses consent for initial evaluation or fails to respond to a request for consent to evaluate, the PEA will not violate its obligation under child find and evaluation regulations if it declines to pursue an evaluation in this case. Full and Individual Evaluation under the Arizona Administrative Code means procedures used in accordance with the IDEA to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs. This evaluation includes **a.** A review of existing information about the child; **b.** A decision regarding the need for additional information; **c.** If necessary, the collection of additional information; and **d.** A review of all information about the child and a determination of eligibility for special education services and needs of the child.

When a parent requests an evaluation in writing, the PEA must respond within a reasonable amount of time, not to exceed **15 school days**, in one of two ways:

1. If the school does not suspect the student has a disability or does not believe an evaluation is warranted, the school may refuse to conduct an evaluation by issuing a prior written notice (PWN) of refusal to evaluate.
2. If the school decides to move forward with the evaluation, they must convene the multidisciplinary evaluation team (MET) to conduct a review of existing data (RED), which starts the evaluation process. (A PWN is required prior to the RED for the referral. See the PWN AZ TAS for more information.)

## Evaluation

(§300.301; §300.321; §330.30; A.R.S. §15-761; A.R.S. §15-766; A.A.C. R7-2-401.E)

In order to determine whether a student is eligible to receive special education and related services, schools are required to conduct a full and individual evaluation to determine whether a student is or continues to be a student with a disability under the IDEA. The evaluation must be conducted by a multidisciplinary evaluation team (MET), including the individualized education program (IEP) team members and other qualified professionals.

The IEP team is defined as:

- The parents of the student. The IDEA defines "parent" as:
  - ✓ a biological or adoptive parent
  - ✓ a foster parent
  - ✓ a legal guardian
  - ✓ an individual acting in the place of a biological or adoptive parent (including a relative with whom the student lives or an individual who is legally responsible for the student's welfare)
  - ✓ a surrogate parent

If more than one person is qualified to act as the parent, schools should presume that the biological or adoptive parent is the parent under Part B of the IDEA when that individual is attempting to act as the parent, unless the biological or adoptive parent does not have the legal authority to make educational decisions for the student.

- Not less than one regular education teacher of the student (if the student is, or may be, participating in the regular education environment).
- Not less than one special education teacher of the student, or where appropriate, not less than one special education provider of the student.
- A representative of the public agency (who has certain specific knowledge and qualifications).
- An individual who can interpret the instructional implications of evaluation results and who may also be one of the other listed members.
- At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate; and
- Whenever appropriate, the student with a disability.

**Guidance:** It is important to ensure that parents have the opportunity to participate in the process. In a Ninth Circuit court decision from 2013, which is binding in Arizona, it was determined that exceeding the annual IEP revision date to allow the parent the opportunity to participate ([Doug C. v. Hawaii](#)) would have met the intent of the procedural safeguards. The court decreed that when confronted with the problem of complying with one procedural

requirement of the IDEA over another (timeline vs. parent participation), schools must "make a reasonable determination of which course of action promotes the purpose of the IDEA and is least likely to result in a denial of FAPE. Schools MUST ensure parents are afforded the opportunity to participate in meetings regarding the identification, evaluation, educational placement, or provision of FAPE to their child. Alternative means of participation, such as conference calls, virtual meetings, e-mail, written input, and other methods, must be offered.

## Evaluation Timeline

(§300.301; A.R.S. §15-766; A.A.C. R7-2-401.E.3–4)

In Arizona, *initial* evaluations and *reevaluations* must be completed within **60 calendar days**.

The 60-day evaluation timeline begins on the date the school receives informed written consent to evaluate from the parent.

The 60-day evaluation timeline concludes on the date the MET makes an eligibility determination—a decision as to whether the student is or is not eligible to receive special education and related services.

Eligibility for special education has three components:

- The child has a qualifying disability, as described in the federal regulations that implement the IDEA at 34 C.F.R. §300.8,
- The disability impacts learning and
- There is a need for specially designed instruction.

Exceptions to the 60-day rule are permitted in situations in which the student changes schools while the evaluation process is underway or the parent repeatedly fails or refuses to produce the student for the evaluation. Under Arizona State Board of Education Rules, the school and the parents may agree in writing to extend the timeline by an additional 30 days if it is in the student's best interest. The IDEA requires all eligible students to have a reevaluation at a minimum of once every three years to redetermine their eligibility. Neither the 60-day evaluation period nor any extension shall cause a reevaluation to exceed this three-year timeline.

## Evaluation Considerations

(§300.304; §300.306)

In conducting the evaluation, the PEA must:

- Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student, including information provided by the parent that may assist the team in determining eligibility and deciding upon the content of the IEP (including information to enable involvement and progress in the general education curriculum and participation in appropriate activities.
- Not use any single measure or assessment as the sole criterion for determining whether the student has a disability and for determining an appropriate educational program; and
- Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

The team must ensure that tests and other evaluation materials:

- Are selected and administered so as not to be discriminatory on a racial or cultural basis.
- 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 academically, developmentally, and functionally, unless it is clearly not feasible to do so.
- Are used for the purposes for which the assessments or measures are valid and reliable.
- Are administered by trained and knowledgeable personnel; and
- Are administered in accordance with any instructions provided by the producer of the assessments.

The team must also ensure the following assessment conditions are met:

- 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.
- Assessments are selected and administered to ensure that if they are 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 is meant to be measured) rather than reflecting the student's impaired skills (unless those are the skills being measured).
- If the student is limited English proficient, the assessments measure the extent to which the student has a disability and needs special education rather than measuring the student's English language skills.

- 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, and motor abilities.
- Assessments of a student who transfers from one PEA to another within the same school year are coordinated with the prior school to ensure prompt completion of the full evaluation.
- The evaluation is sufficiently comprehensive to identify all of the student's special education and related service needs, whether or not they are commonly linked to the disability category in which the student has been classified, and
- Assessment tools and strategies provide relevant information that directly assists a team in determining the student's educational needs.

## Review of Existing Data

(§300.305)

As part of the evaluation process, the group of people comprising a student's MET team and other qualified professionals (as appropriate) review all relevant existing information about a student. Parent consent is not needed to conduct a review of existing data. When reviewing existing data, the team must consider the validity and reliability of the information and the resulting interpretations. When completing the review of existing data, documentation of the following information must be provided in the evaluation report:

- Evaluations and information provided by the student's parents, including current medical, developmental, and functional status and history and any parentally obtained evaluations.
- Results of any prior special education evaluation(s) and an analysis of that data.
- Current classroom-based, PEA, and statewide assessments, including language proficiency assessments, where applicable.
- Classroom-based observations and pre-referral interventions; and
- Observations and input by teachers and related service providers.

Based on the review and input from the student's parents, the team must decide if additional data are needed to determine:

- Whether the student has a disability.
- The educational and developmental needs of the student.
- The present levels of academic achievement; and
- Whether the student needs special education and related services.

**Guidance:** While the team may conduct its review without a meeting, all members' input and decision-making are essential and must be evident. It is important to ensure that the team



reviews all information and addresses any and all concerns to ensure adequate decisions are made regarding what additional data, if any, may be needed to determine eligibility. All considerations described previously should also be discussed to ensure that the data required to determine eligibility is present or will be collected if it was not already present.

## **Parent Consent for Collection of Additional Data**

(§300.300; §300.9; A.A.C. R7-2-401.F)

If the team determines that additional information is needed, the PEA must so notify the parents by means of a prior written notice and must obtain written parent consent to collect the additional information. The additional information may be in the form of assessments, observations, medical reports, or other types of information.

## **Determination of Eligibility**

(§300.301; §300.304; §300.306; A.R.S. §15-761; A.R.S. §15-766; A.A.C. R7-2-401.E)

When the review of existing data, administration of any assessments, and other evaluation measures are complete, the task of the group in the determination of eligibility is to review and discuss all the evaluation information and determine whether the child is a child with a disability and the educational needs of the child. The MET, a group of qualified professionals, and the child's parent determine whether the student has a disability, as defined in §300.8 and A.R.S. §15- 761. The team must:

- Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the student's physical condition, social or cultural background, and adaptive behavior.
- Ensure that information obtained from all these sources is documented and carefully considered and
- Provide a copy of the evaluation report to the parent at no cost.

A student may not be determined eligible if the determinant factor for that determination is:

- Lack of appropriate instruction in reading, including the essential components of reading instruction.
- Lack of appropriate instruction in math; or
- Limited English proficiency.

A student can only be determined eligible for special education services if:

- The student has a qualifying disability.
- The disability impacts learning and
- There is a need for specially designed instruction

**Guidance:** It is important for the team to document discussions related to all three criteria for eligibility related to the specific student. If all of these criteria are not met, then the student would not be eligible for special education services, and therefore, no IEP would be developed.

## **Additional Procedures for Identifying a Specific Learning Disability (SLD)**

(§§300.307–300.311, A.A.C. R7-2-401.E.7.d)

A PEA must determine whether the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both relative to age, state-approved grade-level standards, or intellectual development that meets the PEA criteria through one of the following methods:

- A discrepancy between achievement and ability.
- The child's response to scientific, research-based interventions or
- Other alternative research-based procedures

To ensure that underachievement in a student suspected of having an SLD is not due to lack of appropriate instruction in reading or math, the team must consider these factors as part of the evaluation described in 34 CFR §300.304 through §300.306:

- Data that demonstrate that prior to, or as a part of, the referral process, the student was provided appropriate instruction in general class settings delivered by qualified personnel.
- Student behaviors that are relevant to school performance; and
- Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which is provided to the student's parents.

This consideration is a requirement no matter which option for SLD identification is chosen.

For the purposes of identifying a student with a SLD, the following conditions must not be the determining factor of the disability: visual, hearing, or motor impairment; intellectual disability; emotional disability; limited English proficiency; environmental, cultural, or economic disadvantage; or lack of appropriate instruction in reading or math.

## ***Additional Team Membership for SLD Determinations***

(§300.308)

In addition to the IEP team membership requirements, the team that determines if a student qualifies as a student with a specific learning disability must include:

- The student's regular teacher or, if there is not a regular teacher, a general classroom teacher who is qualified to teach a student of the same age and
- At least one person certified to conduct the diagnostic examination of the student, such as a school psychologist, speech-language pathologist, or math or reading specialist. The specific specialty depends on the nature of the student's suspected disability.

This group makes the determination of eligibility for a student with a specific learning disability using the criteria outlined in §300.309(a)(1–3), §300.309(b), and §300.310.

## ***Specific Documentation for the SLD Eligibility Determination***

(§300.311)

The documentation of the SLD eligibility determination must contain the certification of each group member's agreement in writing as to whether the report reflects the member's conclusion. If it does not, the group member must submit a separate statement presenting the member's conclusions.

**Guidance:** For SLD determination, all team members have to indicate in writing, by checking a box or otherwise, that they agree to the determination made by the team. If, for any reason, a team member does not agree, the member would indicate the reason for the disagreement and provide a written explanation of why. This should be retained in the student's file.

## Reevaluations

(§§300.303–300.311; A.R.S. §15-766; A.A.C. R7-2-401.E)

In accordance with IDEA, a PEA must conduct a reevaluation if the PEA determines that the educational or related services needs of the student warrant a reevaluation or if a parent or teacher requests a reevaluation. Consequently, a reevaluation must be done when little or no progress is being made when a parent or teacher requests a reevaluation, or when a student improves significantly and may no longer need special education.

However, the IDEA limits reevaluations to no more than once a year unless the parent and PEA agree otherwise. Reevaluations must be conducted at least once every three years. The review of existing evaluation data must be a part of any reevaluation. Using information from the review of data and input from the student's parents, the reevaluation team must identify what additional data, if any, are needed to determine:

- Whether a student continues to have a disability and the student's educational needs.
- The present levels of academic achievement and related developmental needs of the student.
- Whether the student continues to need special education and related services and
- 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 and to participate, as appropriate, in the general education curriculum.

The team may conduct its review without a meeting. Once the team has identified what, if any, additional data are needed, parent consent must be obtained to gather the additional data.

## Requirements if Additional Data Are Not Needed

(§300.305)

There are occasions when the wealth of information contained in a student's file and reviewed by the IEP team provides ample documentation of the student's continued eligibility and the necessary content for the IEP. When no additional assessments are needed, the PEA must still notify the student's parents of:

- The determination that no additional data are needed and the reasons for the decision; and
- The parent's right to request any assessments to determine continued eligibility and educational needs.

**Guidance:** It is important to document that parents have been informed of their right to request additional assessment data. Ensure that the team has considered all concerns outlined earlier in the document and can appropriately redetermine eligibility and explain any additions or modifications needed to the student's programming based on the existing data.

## Evaluation Before a Change in Eligibility

(A.R.S. §15-761.01)

Except for the occasions noted below, a PEA must reevaluate a student with a disability before determining that the student no longer qualifies for special education. The evaluation may consist of a review of existing evaluation data, some additional assessment, or an entire comprehensive evaluation based on the IEP team's decision on what information is needed to make the decision.

Exceptions that do not require an evaluation to terminate services:

- Graduating from secondary school with a regular diploma or
- Exceeding the age eligibility for a free appropriate public education (FAPE) under Arizona law.

For students whose eligibility terminates because of the exceptions above, the PEA must provide the student with a summary of the student's academic achievement and functional performance, which shall include recommendations on how to assist the student in meeting his or her postsecondary goals.

# Appendix A

## Federal and State Statutory and Regulatory References

### Individuals with Disabilities Education Act of 2004 IDEA Regulations of 2006, Title 34 of the Code of Federal Regulations (C.F.R.), Part 300

<b>Topic</b>	<b>34 C.F.R. Part 300 Reference</b>
Definition of evaluation	§300.15
Parent consent	§300.300
Basic requirements	§§300.301, 300.304, 300.324
Initial evaluation	§§300.301, 300.305
Reevaluation	§300.303
Review of existing data	§300.305(a)(1)
Evaluation procedures	§300.304
Copy of report for parents	§300.306(a)(2)
Independent educational evaluation	§300.502
Evaluation not required for graduation	§300.305(e)(2)

### Arizona Revised Statutes (A.R.S.), Title 15: Education, Chapter 7:

<b>Instruction Topic</b>	<b>A.R.S.</b>
<b>Reference</b>	
Evaluation of student for placement in special education	§15-766

### Arizona Administrative Code (A.A.C.), Title 7: Education, Article 4:

<b>Special Education Topic</b>	<b>A.A.C. Reference</b>
Evaluation and reevaluation	R7-2-401.E

## Appendix B

### Citations for Individual Categories of Disability

Category of Disability	IDEA Regulations	Arizona Revised Statutes
Autism	§300.8(c)(1)	§15-761.1
Emotional Disability	§300.8(c)(4)	§15-761.7
Hearing Impairment	§300.8(c)(3)(5)	§15-761.8
Mild Intellectual Disability	§300.8(c)(6)	§15-761.14
Moderate Intellectual Disability	§300.8(c)(6)	§15-761.15
Multiple Disabilities	§300.8(c)(7)	§15-761.17
Multiple Disabilities with Severe Sensory Impairment	§300.8(c)(2)(7)	§15-761.18
Orthopedic Impairment	§300.8(c)(8)	§15-761.19
Other Health Impairment	§300.8(c)(9)	§15-761.20
Developmental Delay	§300.8(b)(1)	§15-761.3
Preschool—Severe Delay	§300.8(b)(1)	§15-761.24
Severe Intellectual Disability	§300.8(c)(6)	§15-761.29
Speech/Language Impairment	§300.8(c)(11)	§15-761.34
Traumatic Brain Injury	§300.8(c)(12)	§15-761.38
Visual Impairment	§300.8(c)(13)	§15-761.39

# Appendix C

## Response to Intervention/Multi-tiered System of Supports (RTI/MTSS)

### *Pre-referral Interventions\**

Once a student is identified as having difficulty progressing or achieving in any areas of expected growth or learning (academic, social/emotional, behavioral, cognitive, language, or motor skills), the student should be referred for intervention. This intervention may be in the form of a student-study/teacher-assistance team, the RTI process (see the following page), or some other systemic method for providing early intervening services to assist the student in attaining expected learning or behavioral growth. This initial process is called pre-referral intervention.

The goal of pre-referral intervention is to provide appropriate, targeted strategies and interventions to improve the student's rate of learning. This process, available to any student through age 21, usually involves general education staff as the primary source of the intervention and uses some system of progress monitoring. When the process is successful, the student gains the targeted skills and continues to progress in the general classroom without needing additional evaluation or special education. To be valid, pre-referral intervention strategies must involve interventions based on peer-reviewed research. The purpose of pre-referral intervention is underscored in the IDEA requirements for determination of eligibility (§300.306):

*A student must not be determined to be a student with a disability under this part if the determinant factor for that determination is:*

- *Lack of appropriate instruction in reading, including the essential components of reading instruction.*
- *Lack of appropriate instruction in math; or*
- *Limited English proficiency.*

**\*Note:** The IDEA is also clear that pre-referral interventions should not cause undue delay for referral when a student appears to be in need of special education and/or related services. ([Letter to Combs](#); [Compton Unified School District v Addison](#); [Memorandum to: State Directors of Special Education](#))



## ***Response to Intervention/Multi-Tiered Systems of Supports (RTI/MTSS)*** (§300.307–300.311)

In its broadest sense, response to intervention/multi-tiered system of supports is a multi-tiered early intervention model for supporting school success for all students. This model involves school professionals conducting focused assessments to enable them to prescribe appropriate interventions.

This process identifies students' specific instructional needs; provides targeted scientific, research-based interventions based on the needs identified; uses progress monitoring to measure students' response to interventions and verify the effectiveness of the interventions; and measures students' success in achieving academic or behavioral standards. An important part of RTI/MTSS is involving parents in understanding their students' instructional needs for academic and/or behavioral interventions.

While the IDEA only addresses the use of RTI/MTSS in determining the existence of a specific learning disability, the process is highly effective for intervening with any concern involving academics or behavior prior to the consideration of an individual evaluation to determine eligibility for special education. Thus, using an RTI/MTSS process is highly recommended as an *intervention strategy*.

# Appendix D

## Glossary of Terms

### **Accommodations**

Provisions made to allow a student to access and demonstrate learning. These do not substantially change the instructional level, the content, or the performance criteria. The changes are made to provide students equal access to learning and opportunities to demonstrate knowledge.

### **Adaptations**

Changes made to the environment, curriculum, instruction, and/or assessment practices for a student to be a successful learner. Adaptations include accommodations and modifications. Adaptations are based on an individual student's strengths and needs.

### **Assistive Technology Device**

Any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, used to increase, maintain, or improve the functional capabilities of a student with a disability. The term does not include a medical device that is surgically implanted or the replacement of such a device.

### **Assistive Technology Service**

Any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device, such as the evaluation of the needs of the student, including a functional evaluation in the student's customary environment; purchasing or leasing assistive technology devices; selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices; coordinating and using other therapies, interventions, or services with assistive technology devices; training or technical assistance for the student or that student's family; and training or technical assistance for professionals, employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of that student.

### **Cultural Disadvantage**

Examples of cultural disadvantages to consider include language, values/expectations, and/or parental involvement.

### **Economic Disadvantage**

Economic disadvantage examples include income and poverty, involvement with other social agencies, family history, family illness, natural economic disasters, and/or lack of community resources.

### **Educational Disadvantage**

Examples of educational disadvantages to consider include poor school attendance, number of schools attended, retentions, teaching effectiveness, student-teacher relationships, lack of preschool services, and/or lack of community resources.

## **Educational History**

Educational history examples include previous schools attended, retentions, previous grades, discussions of previous interventions, discussions of previous evaluation results, comments from the current teacher(s), and/or attendance patterns.

## **Educationally Relevant Medical Information and Developmental History**

Examples of educationally relevant medical information and developmental history include pregnancy and delivery, developmental milestones, hospitalizations, explanations of visual–auditory history (vision and hearing screenings, glasses, hearing aids, auditory trainer), fine/gross motor status, prenatal conditions, accidents, illnesses, injuries, medical conditions, and/or medications (current, significant medications, history).

## **Environmental**

Examples of environmental considerations include socioeconomic status, community experience, family history, and/or family mobility.

## **Evaluation Report**

Complete documentation of the evaluation process, including the review of existing data and eligibility determinations.

## **Family History**

Examples of family history include family structure and recent changes in family structure, occupation of parents, education level of parents, number of and age(s) of siblings, histories of disabilities, birth defects, etc., determination of primary language of home/student and how the determination was made, and/or other relevant cultural issues.

## **Lack of Instruction**

Examples of lack of instruction may include a lack of appropriate instruction in reading or math, including the essential elements of reading, or a lack of a consistent curriculum linked to the Arizona standards.

## **Limited English Proficiency**

Limited English proficiency means that English is not the native/primary language of the student and that the student has difficulties in English language comprehension and/or expression because of second language learning issues.

## **Modifications**

Substantial changes in what a student is expected to learn and to demonstrate. Changes may be made in the instructional level, the content, or the performance criteria. Such changes are made to provide a student with meaningful and productive learning experiences, environments, and assessments based on individual needs and abilities.

## **Observations**

Formal and informal documentation of student performance. Examples include the following:

### ***General Observations***

Examples of observations completed by teachers, related service providers, parents, and/or other school staff members could include informal reflections on a

student's performance and/or formal observations completed in a structured setting. Observations could include numbers in a learning group, subject matter of the instruction, the student's behavior compared to peers in class, and/or the relationship of the behavior to academic functioning.

### ***Observations during Testing***

Examples of observations during testing could include characteristic(s) or behavior(s) that may have an impact on the evaluation process or results.

### ***Observations in Other Settings***

Examples of observations in other settings could include activity level (calm, hyperactive, reticent, persistent, gives up easily, etc.), attention (adequate, interested, easily distracted, situational, etc.), maturity, and adult relationships (friendly, hostile, indifferent, silly, etc.).

### ***Interviews/Reviews of Records***

Examples of interviews or reviews of records could include a discussion of how these interviews/records impact the student in the learning environment.

## **Reason for Referral**

Examples of reasons for referral include the initiation of referral (who? what? why?), the reasons (reevaluation, specific skill deficits), and the suspected area(s) of disability.

## **Surrogate Parent**

A surrogate parent for special education is an individual appointed by the Arizona Department of Education or a court of competent jurisdiction to ensure that a student's rights are protected when the student's parents are unable to do so. Schools are required to ensure the appointment of a surrogate parent for a student with a disability if any of the following are true:

- No parent can be identified
- After having made reasonable attempts, the school cannot determine the parents' whereabouts
- The student is a ward of the state, and a parent cannot be identified, or a school cannot determine the location of a parent after having made reasonable attempts. The student is an unaccompanied homeless youth as defined in the McKinney-Vento Homeless Assistance Act

To be eligible to serve as a surrogate parent, the person must meet the following criteria:

1. must possess adequate knowledge and skills to represent the student,
2. may not be an employee of a state agency involved in the education or care of the student,
3. may not have an interest that would conflict with the student's best interest and
4. must have a valid fingerprint clearance card issued by the Arizona Department of Public Safety.

For more information on surrogate parents, including how to become one, please visit the ADE/ESS [surrogate parent website](#).

# Appendix E

## Guidance Grid for Compliance and Best Practice

The following document provides guidance on the evaluation process. Each evaluation requirement that ESS monitors for is listed and divided into three descriptive sections.

### Noncompliance

### Compliance

### Best Practice

**Noncompliance** describes what will not meet indicator requirements and will result in an "out" call during monitoring.

**Compliance** will be considered "in" during monitoring and meet the requirements of the IDEA, Arizona Revised Statutes, and Arizona State Board Rules. While these descriptions can be identified as meeting requirements, they may leave the PEA vulnerable to IEP team confusion and disagreement, opening the door to possible state complaints and/or due process complaints. In addition, FAPE may be called into question, and the situation could include compensatory education services.

**Best Practice** descriptions meet all of the criteria of a compliant example and provide information to assist PEAs in avoiding confusion, disagreement, or more significant issues. PEAs are also encouraged to seek guidance from their legal counsel to ensure best practices are implemented in accordance with all regulatory requirements.

In some instances, the examples for **compliance** and **best practice** are identical.

# Appendix F: Evaluation Process

1. The evaluation is current.		
<p><b>Noncompliance</b></p> <ul style="list-style-type: none"> <li>• There is no current evaluation dated within 3 years of the date of the file review.</li> <li>• There is no evaluation.</li> <li>• There is no documentation of a waiver, and there is not a current evaluation.</li> </ul>	<p><b>Compliance</b></p> <ul style="list-style-type: none"> <li>• There is a current evaluation dated within 3 years of the date of the file review.</li> <li>• There is documentation of agreement to waive a reevaluation and a previous evaluation.</li> </ul>	<p><b>Best Practice</b></p> <ul style="list-style-type: none"> <li>• There is a current evaluation dated within 3 years of the date of the file review.</li> <li>• There is documentation of agreement to waive a reevaluation and a previous evaluation.</li> </ul>
2. The parent provided current information during the review of existing data.		
<p><b>Noncompliance</b></p> <ul style="list-style-type: none"> <li>• There is no evidence that the parent or adult student provided any input during the review of existing data.</li> <li>• The parent or adult student was not a member of the team that reviewed existing data, and there is no evidence that attempts were made to allow the opportunity, and/or there is no evidence that input was provided through an alternate means.</li> </ul>	<p><b>Compliance</b></p> <ul style="list-style-type: none"> <li>• Parent or adult student provided information during the review of existing data.</li> <li>• For a reevaluation, there are documented attempts to obtain information from parent(s) or adult student even though they were not part of the team to review existing data.</li> </ul>	<p><b>Best Practice</b></p> <ul style="list-style-type: none"> <li>• Parent(s) or adult student has included a written statement.</li> <li>• A questionnaire completed by parent(s) or adult student is included.</li> <li>• An e-mail from parent(s) is included that provides information about the student.</li> <li>• There is direct input from the student.</li> </ul>
3. Current classroom-based assessments were included in the review of existing data.		
<p><b>Noncompliance</b></p> <ul style="list-style-type: none"> <li>• There is no evidence of quantitative data shared by the classroom teacher included in the review of existing data.</li> <li>• There is no academic data (grades, district assessment performance, formative assessment data) included in the review of existing data.</li> </ul>	<p><b>Compliance</b></p> <ul style="list-style-type: none"> <li>• The review of existing data includes classroom-based data provided by the student's teacher(s) (formative assessment data, district assessment data, any quantitative data).</li> <li>• There is evidence that the classroom teacher(s) provided quantitative data as part of the review of existing data.</li> </ul>	<p><b>Best Practice</b></p> <ul style="list-style-type: none"> <li>• There is quantitative information documented from all teachers who work with the student (e.g., general education, special education, specials, electives).</li> </ul>

<b>4. Observations by teachers and related service providers were included in the review of existing data.</b>		
<p><b>Noncompliance</b></p> <ul style="list-style-type: none"> <li>• There is no qualitative classroom data (work habits, organizational skills, motivation, etc.) included in the review of existing data.</li> <li>• There is no qualitative data shared by the classroom teacher(s) or related service provider as part of the review of existing data.</li> </ul>	<p><b>Compliance</b></p> <ul style="list-style-type: none"> <li>• The review of existing data includes qualitative classroom data (work habits, organizational skills, motivation, etc.) shared by the student's teacher(s) or related service provider.</li> </ul>	<p><b>Best Practice</b></p> <ul style="list-style-type: none"> <li>• There is qualitative data documented from all teachers and related service providers who work with the student (e.g., general education, special education, specials, electives).</li> </ul>
<b>5. Statewide assessment data was included in the review of existing data.</b>		
<p><b>Noncompliance</b></p> <ul style="list-style-type: none"> <li>• There is no evidence that state assessment data for the student were included as part of the review of existing data. This includes Move on When Reading (MOWR) required assessments and assessments for non-native English speakers.</li> </ul>	<p><b>Compliance</b></p> <ul style="list-style-type: none"> <li>• The student's performance on statewide assessments was included in the review of existing data.</li> <li>• When the student is a transfer student, and the PEA was not able to obtain assessment data, this information was documented in the review of existing data.</li> </ul>	<p><b>Best Practice</b></p> <ul style="list-style-type: none"> <li>• The student's performance on statewide assessments was included in the review of existing data.</li> <li>• When the student is a transfer student, and the PEA was not able to obtain assessment data. This information was documented in the review of existing data.</li> </ul>
<b>6. The team determined whether additional data were needed or not needed.</b>		
<p><b>Noncompliance</b></p> <ul style="list-style-type: none"> <li>• There is no evidence of the team's determination whether to collect or not collect additional data.</li> </ul>	<p><b>Compliance</b></p> <ul style="list-style-type: none"> <li>• There is evidence that the team determined whether additional data was needed or not.</li> <li>• There is evidence that the team discussed existing data and made a determination that additional data were needed or not needed following the review of existing data.</li> </ul>	<p><b>Best Practice</b></p> <ul style="list-style-type: none"> <li>• There is evidence that the team determined whether additional data was needed or not.</li> <li>• There is evidence that the team discussed existing data and made a determination that additional data was needed or not needed following the review of existing data.</li> </ul>

<b>7. Parents were informed of their right to request additional data when the team determined no additional data were needed.</b>		
<p><b>Noncompliance</b></p> <ul style="list-style-type: none"> <li>• There is no evidence that parents were informed of the decision not to collect additional data and their right to request additional data.</li> </ul>	<p><b>Compliance</b></p> <ul style="list-style-type: none"> <li>• There is evidence that the parents were informed of the team's decision not to collect additional data and the parent's right to request additional data (evidence includes a parent's signature, initials, etc.).</li> </ul>	<p><b>Best Practice</b></p> <ul style="list-style-type: none"> <li>• There is documentation that includes a parent's signature acknowledging that the parent was informed of the right to request additional data.</li> </ul>
<b>8. Informed parental consent was obtained for the collection of additional data.</b>		
<p><b>Noncompliance</b></p> <ul style="list-style-type: none"> <li>• There is no documentation that parental consent was obtained.</li> <li>• Parental consent is evident, but there is not an explanation of what assessment data would be collected.</li> </ul>	<p><b>Compliance</b></p> <ul style="list-style-type: none"> <li>• Parental consent is evident, and the assessment data to be collected is included.</li> <li>• The student transferred in with a current evaluation, and there is no evidence of parental consent as part of the transfer record.</li> </ul>	<p><b>Best Practice</b></p> <ul style="list-style-type: none"> <li>• Parental consent is evident, and the assessment data to be collected is included.</li> <li>• The student transferred in with a current evaluation, and there is no evidence of parental consent as part of the transfer record.</li> </ul>
<b>9. The student was assessed in all areas of suspected disability.</b>		
<p><b>Noncompliance</b></p> <ul style="list-style-type: none"> <li>• Any concern surfaced through reviewing existing data and/or the pre-referral process was not addressed.</li> <li>• For preschool, not all 5 developmental domains were addressed.</li> <li>• Problems identified through vision and hearing screenings were not resolved and not addressed as part of the evaluation process.</li> </ul>	<p><b>Compliance</b></p> <ul style="list-style-type: none"> <li>• All concerns brought up in the review of existing data and/or the pre-referral process were addressed through the evaluation.</li> <li>• For preschool, all 5 domains were addressed.</li> <li>• If additional data were not collected, all concerns that surfaced through the review of existing data were addressed.</li> <li>• Problems with vision and hearing were resolved before the school conducted assessments, and/or assessment tools were chosen to address these concerns.</li> </ul>	<p><b>Best Practice</b></p> <ul style="list-style-type: none"> <li>• All concerns brought up in the review of existing data and/or the prereferral process were addressed through the evaluation.</li> <li>• For preschool, all 5 domains were addressed.</li> <li>• If additional data were not collected, all concerns that surfaced through the review of existing data were addressed.</li> <li>• Problems with vision and hearing were resolved before the school conducted assessments, and/or assessment tools were chosen to address these concerns.</li> </ul>



**10. Upon review of all data, the team documented the impact of the disability, specifically how it impacted progress in the general education curriculum.**

<b>Noncompliance</b>	<b>Compliance</b>	<b>Best Practice</b>
<ul style="list-style-type: none"> <li>• There is no documentation of how the disability impacted progress in the general education curriculum.</li> <li>• The student was eligible in multiple areas, and only one area had documentation of the impact on progress in the general education curriculum.</li> <li>• There is documentation of the impact of the disability, but it is not evident that this occurred <i>after</i> the review of all data.</li> <li>• There is documentation of the impact of the disability on progress, but it was not individualized or was a boilerplate statement.</li> </ul>	<ul style="list-style-type: none"> <li>• There is clear documentation of how the disability manifests for the student in the classroom, <b>and</b> it was evident that this occurred <i>after</i> the review of all data.</li> <li>• For a preschool student, there is documentation related to the general developmental progress of the child.</li> <li>• The information documented was specific to the student and individualized.</li> <li>• The documentation described the student's disability and the specific impact of the disability(ies) on the student's ability to progress in the general curriculum.</li> </ul>	<ul style="list-style-type: none"> <li>• There is clear documentation of how the disability manifests for the student in the classroom, <b>and</b> it was evident that this occurred <i>after</i> the review of all data.</li> <li>• For a preschool student, there is documentation related to the general developmental progress of the child.</li> <li>• The information documented is specific to the student and individualized.</li> <li>• The documentation described the student's disability and the specific impact of the disability(ies) on the student's ability to progress in the general curriculum.</li> </ul>

**11. Upon review of all data, the team documented the educational needs of the student to access the general education curriculum.**

<b>Noncompliance</b>	<b>Compliance</b>	<b>Best Practice</b>
<ul style="list-style-type: none"> <li>• There is no documentation of the student's educational needs.</li> <li>• There is documentation included, but it was not individualized, specific to the student, or only a list of accommodations.</li> <li>• There is documentation, but it was not evident that the decisions occurred <i>after</i> the review of all data.</li> </ul>	<ul style="list-style-type: none"> <li>• There is documentation of the student's educational needs, and it was evident that this occurred <i>after</i> the review of all data.</li> <li>• The documentation is more extensive than a list of accommodations.</li> <li>• The documentation is specific to the student and individualized for the student's needs.</li> </ul>	<ul style="list-style-type: none"> <li>• There is documentation of the student's educational needs, and it was evident that this occurred <i>after</i> the review of all data.</li> <li>• The documentation was more extensive than a list of accommodations.</li> <li>• The documentation was specific to the student and individualized for the student's needs.</li> <li>• The documentation states the specific educational needs for the student to be able to access the general education curriculum—</li> </ul>

		these are specific to the student's disability(ies).
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**12. For reevaluations only: The team documented whether any additions or modifications were needed for the student's program *after review of all data.***

<b>Noncompliance</b>	<b>Compliance</b>	<b>Best Practice</b>
<ul style="list-style-type: none"> <li>• There is no documentation related to additions or modifications to the program.</li> <li>• There is no documentation as to whether or not any programmatic changes were needed for the student.</li> <li>• There is documentation of additions, modifications, or changes, but it was not evident that the decisions occurred <i>after</i> the review of all data.</li> </ul>	<ul style="list-style-type: none"> <li>• There is documentation of the student's rate of progress and what modifications to the student's program may have been needed.</li> <li>• There is documentation that additions, changes, or modifications to the student's program were not needed.</li> <li>• The evaluation was not a reevaluation, so this component does not apply.</li> </ul>	<ul style="list-style-type: none"> <li>• There is documentation of the student's rate of progress and what modifications to the student's program may have been needed.</li> <li>• There is documentation that additions, changes, or modifications to the student's program were not needed.</li> </ul>

**13. Upon review of all data, the team's determination of a specific category of disability was documented.**

<b>Noncompliance</b>	<b>Compliance</b>	<b>Best Practice</b>
<ul style="list-style-type: none"> <li>• There is no evidence of a category of eligibility being determined.</li> <li>• There is evidence of a determination of a category of eligibility being made, but it did not indicate that the determination was made by a team.</li> <li>• There is evidence of a team determination, but it was based on only one piece of information.</li> <li>• There is evidence of a team determination of a specific category of eligibility, but it was not evident that the determination occurred after the review of all data.</li> </ul>	<ul style="list-style-type: none"> <li>• There is evidence of the team's determination of a specific category of eligibility.</li> <li>• It is evident that this determination was made based on multiple sources of data.</li> <li>• It is evident that this determination occurred after the review of all data.</li> </ul>	<ul style="list-style-type: none"> <li>• There is evidence of the team's determination of a specific category of eligibility.</li> <li>• It is evident that this determination was made based on multiple sources of data. It is evident that this determination occurred after the review of all data.</li> </ul>

**14. Upon review of all data, whether the student was in need of special education and/or related services was documented.**

<b>Noncompliance</b>	<b>Compliance</b>	<b>Best Practice</b>
<ul style="list-style-type: none"> <li>• There is no documentation that the student was in need of special education and/or related services.</li> <li>• There is evidence that the student was in need of special education and/or related services, but it is not evident that this was determined after the review of all data.</li> </ul>	<ul style="list-style-type: none"> <li>• There is documentation that the team determined the student was in need of special education and/or related services.</li> <li>• There is evidence that this determination was made after the review of all data.</li> </ul>	<ul style="list-style-type: none"> <li>• There is documentation that the team determined that the student was in need of special education and/or related services.</li> <li>• There is evidence that this determination was made after the review of all data.</li> </ul>

**15. The initial evaluation was completed within 60 calendar days.**

<b>Noncompliance</b>	<b>Compliance</b>	<b>Best Practice</b>
<ul style="list-style-type: none"> <li>• The initial evaluation was completed, but the time exceeded 60 calendar days.</li> <li>• The initial evaluation was completed, and there was an extension, but the time exceeded 90 calendar days.</li> </ul>	<ul style="list-style-type: none"> <li>• The initial evaluation was completed within 60 calendar days.</li> <li>• The initial evaluation was completed within 90 calendar days, and there was an agreed-upon extension.</li> <li>• The student transferred from another district after the evaluation was already started in the previous district.</li> <li>• The parents refused to present the student for the evaluation, and this refusal was documented.</li> </ul>	<ul style="list-style-type: none"> <li>• The initial evaluation was completed within 60 calendar days.</li> <li>• The initial evaluation was completed within 90 calendar days, and there was an agreed-upon extension.</li> <li>• Documentation shows that the student transferred from another district after the evaluation was already started in the previous district.</li> <li>• Documentation that the parents refused to present the student for the evaluation.</li> </ul>