

MNCIMP: SR Record Review Training

PART C – Evaluation, Eligibility and Assessment

Eligibility for Part C Services

Language in new regulations:

- The new regulations make a clear distinction between *evaluation* and *assessment*.
- **Evaluation** means the procedures used to determine initial and continuing **eligibility**.
- **Initial evaluation** refers to the evaluation to determine initial eligibility.
- **Assessment** means the ongoing procedures to identify the child's unique strengths and needs.
- **Initial assessment** means the assessment conducted prior to the child's initial IFSP [Individualized Family Service Plan] meeting.

See 34 CFR § 303.321(a)(2)

A child's medical and other records may be used to establish eligibility (without conducting an evaluation of the child)...if those records:

- Indicate that the child's level of functioning in one or more of the developmental areas...constitutes a developmental delay, or
- That the child otherwise meets the criteria for an infant or toddler with a disability.

See 34 C.F.R 303.321(a)(3)(i)

- Informed clinical opinion (ICO) may be used **as an independent basis** to establish a child's eligibility even if other instruments do not establish eligibility.
- In no event may ICO be used to negate the results of evaluation instruments which have established eligibility.

Changes to Statute:

- With recent changes in Minnesota Statute § 125A.03, clarification was provided to remove age limits to the requirement to provide a free appropriate public education (FAPE).
- This clarification eliminates the issue in which qualifying a child under categorical disability criteria was considered qualifying for Part B.

What this means:

- If you choose to qualify a child under one of the categorical disabilities in Minn. Rule 3525.1325-1348, you are no longer required to also meet all Part B requirements for due process.
- This includes the requirements for Part B Prior Written Notice, Evaluation Report, and an Individualized Education Program.

Points of Clarification:

To qualify using the -1.5 standard deviations, the child must show a delay in one or more of the five developmental areas:

- cognitive development;
 - physical development, including vision and hearing;
 - communication development;
 - social or emotional development; and
 - adaptive development.
- Determination of conditions with a high probability of resulting in developmental delay need to be documented.
 - Find examples of conditions at <http://www.health.state.mn.us/divs/fh/mcshn/ecipelig/conditions.htm>
 - To qualify using ICO, the results of the formal evaluation measures do not need to support eligibility, but the informed clinical opinion of the evaluators must indicate a qualitative difference in the child's development and detail why the child is eligible.
 - Remember ICO cannot be used to negate the results of evaluation instruments which have established eligibility.

Review and Discuss

Please answer the following questions in your small groups:

- What information from the presentation did you already know?
- What from the presentation was new to you?
- How will this information change practices in your district?
- What still needs clarification or what questions do you still have?
- Please write your questions on the Training Participant Question Form (blue sheet).

Part C Evaluation and Assessment

The following compliance areas are included in the Evaluation section of the record review:

- Screening Materials and Procedures (if applicable)
- Evaluation Materials and Procedures
- Procedures for Assessment of Child and Family

Screening Materials and Procedures (if applicable)

- Screening procedures includes the administration of appropriate instruments by personnel trained to administer those instruments.

34 C.F.R. § 303.320(b)(2)

Evaluation Materials and Procedures

- The lead agency must ensure that . . . each child . . . receives—A timely, **comprehensive, multidisciplinary** evaluation of the child in accordance with paragraph (b) of this section unless eligibility is established [based on medical and other records without conducting an evaluation of the child].

34 C.F.R. § 303.321(a)(1)(i)

Points of Clarification:

- A comprehensive evaluation must address all five developmental areas:
 - cognitive development;
 - physical development, including vision and hearing;
 - communication development;
 - social or emotional development; and
 - adaptive development.
- Multidisciplinary means more than one discipline is involved in the evaluation of the child.
- For purposes of evaluation and assessment, this may be one individual qualified in two disciplines or professions.
- Qualified personnel must use informed clinical opinion when conducting an evaluation and assessment of the child.

34 C.F.R. § 303.321(a)(3)(ii)

Point of Clarification:

“Informed clinical opinion makes use of qualitative and quantitative information to assist in forming a determination regarding difficult-to-measure aspects of current developmental status and the potential need for early intervention.”

Jo Shackelford, NECTAC Notes, May 2002

- ❑ All evaluations . . . of the child and family must be conducted by **qualified personnel**, in a **nondiscriminatory** manner, and selected and administered so as not to be racially or culturally discriminatory.

34 C.F.R. § 303.321(a)(4)

34 § 303.31 Qualified personnel.

Qualified personnel means personnel who have met State approved or recognized certification, licensing, registration, or other comparable requirements that apply to the areas in which the individuals are conducting evaluations or assessments or providing early intervention services.

Points of Clarification:

- Most formal assessment measures have specific examiner qualification requirements.
- Check with the test manual or publisher for details on the examiner qualifications for a particular measure.
- This would be cited if there is evidence in either the IFSP or evaluation plan to suggest the persons that conducted the evaluations were not qualified personnel.
- Based on the referral information, background of the child, and parent input, if there is information to suggest racial or cultural factors exist for the child and family, there must be documentation in the record or in the Prior Written Notice (PWN) that:
 - The factors were considered, resulting in changes or accommodations to the testing; or
 - The factors were considered and it was decided no changes or accommodations to testing were needed.

- ❑ Unless clearly not feasible to do so, all evaluations . . . of a child must be conducted in the **native language of the child**, in accordance with the definition of native language in § 303.25.

34 C.F.R. § 303.321(a)(5)

Points of Clarification:

- This is a change from previous regulations which stated evaluations needed to be conducted in the native language of the parent.
- Native language of the child is the language normally used by the child.

Required Evaluation Procedures:

In conducting an evaluation, no single procedure may be used as the sole criterion for determining a child’s eligibility under this part. Procedures must include—

34 CFR § 303.321(b)

- ❑ Procedures [for evaluating the child] must include—Administering an evaluation instrument . . .

34 C.F.R. § 303.321(b)(1)

- ❑ Procedures [for evaluating the child] must include—Taking the child’s history (including interviewing the parent). . .

34 C.F.R. § 303.321(b)(2)

- ❑ Procedures [for evaluating the child] must include—Identifying the child’s level of functioning in each of the developmental areas[: cognitive development, physical development, including vision and hearing, communication development, social or emotional development, and adaptive development.]

34 C.F.R. § 303.321(b)(3)

- ❑ Procedures [for evaluating the child] must include—Gathering information from other sources such as family members, other caregivers, medical providers, social workers, and educators, **if necessary**, to understand the full scope of the child’s unique strengths and needs. . .

34 C.F.R. § 303.321(b)(4)

- ❑ Procedures [for evaluating the child] must include—Reviewing medical, educational, or other records.

34 C.F.R. § 303.321(b)(5)

IN SUMMARY

All evaluations must include:

- Using an evaluation instrument
- Taking the child’s history
- Identify child’s level of functioning in all five developmental areas
- Gathering information from other sources, if necessary
- Reviewing medical, educational or other records

Procedures for Assessment of Child and Family

Points of Clarification:

- Evaluation and assessment may occur simultaneously.
- Evaluation and assessment information is typically documented in the IFSP rather than a separate Evaluation Report.
- ❑ An assessment of each infant or toddler with a disability must be conducted by qualified personnel in order to identify the child’s unique **strengths and needs** and the **early intervention services** appropriate to meet those needs.

34 C.F.R. § 303.321(c)(1)

Point of Clarification:

- The assessment will provide information on the child’s unique strengths and needs to inform present levels.

Assessment of Child and Family

- Qualified personnel must use informed clinical opinion when conducting an . . . assessment of the child.

34 C.F.R. § 303.321(a)(3)(ii)

- All . . . assessments of the child and family must be conducted by **qualified personnel**, in a **nondiscriminatory** manner, and selected and administered so as not to be racially or culturally discriminatory.

34 C.F.R. § 303.321(a)(4)

- Unless clearly not feasible to do so, all . . . assessments of a child must be conducted in the **native language of the child**, in accordance with the definition of native language in § 303.25.

34 C.F.R. § 303.321(a)(5)

Specific requirements unique to the assessment procedures:

- These procedures include
 - Assessment of the child, which is required, and
 - Family-directed assessment, which needs to be offered, but is voluntary on the part of the family.

- The assessment of the child must include the following—A review of the results of the evaluation conducted. . .

34 C.F.R. § 303.321(c)(1)(i)

- The assessment of the child must include the following—Personal observations of the child. . .

34 C.F.R. § 303.321(c)(1)(ii)

- The assessment of the child must include the following—The **identification of the child’s needs** in each of the developmental areas: [cognitive development, physical development, including vision and hearing, communication development, social or emotional development, and adaptive development].

34 C.F.R. § 303.321(c)(1)(iii)

- A **family directed assessment** must be conducted by qualified personnel in order to identify the **family’s resources, priorities, and concerns** and the **supports and services necessary** to enhance the family’s capacity to meet the developmental needs of the family’s

infant or toddler with a disability. The family-directed assessment must—Be based on information obtained through an **assessment tool** and also through an **interview** with those family members who elect to participate in the assessment. . .

34 C.F.R. § 303.321(c)(2)

Points of Clarification:

- The family-directed assessment is voluntary on the part of the family.
- If the family does not wish to participate, the district must document that it was offered and declined.
- If a family-directed assessment is completed, it must be based on information obtained through an assessment tool and an interview.
- It must include the family’s description of resources, priorities, and concerns related to enhancing the child’s development and be documented on the IFSP.

IN SUMMARY

All assessments must include:

- A review of the results of the evaluation conducted
- Personal observations of the child
- Identification of needs in all five developmental areas
- Documentation of family-directed assessment, or that family-directed assessment was offered and declined by family.

Review and Discuss

- Please answer the following questions in your small groups:
- What information from the presentation did you already know?
- What from the presentation was new to you?
- How will this information change practices in your district?
- What still needs clarification or what questions do you still have?
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Up next...

- Review of Mock File
- Lunch
- IFSP/IIIP Standards