

581-015-2790 revisions (SB 13)

ECSE Evaluation

(1) General. A public agency must conduct an evaluation or reevaluation process in accordance with this rule before:

- (a) Determining that a child is a child with a disability under OAR 581-015-2795; or
- (b) Determining that a child continues to have a disability under OAR 581-015-2795; or
- (c) Changing the child's eligibility; or
- (d) Terminating the child's eligibility as a child with a disability.

(2) Request for initial evaluation. Consistent with the consent requirements in OAR 581-015-2735, a parent or public agency may initiate a request for an initial evaluation to determine if a child qualifies for ECSE services.

(3) When initial evaluation must be conducted.

(a) An initial evaluation must be conducted to determine if a child is eligible for ECSE services when a public agency suspects or has reason to suspect that:

- (A) The child has a disability that has an adverse impact on the child's ~~education and develop~~ developmental progress; and
- (B) The child may need ECSE services as a result of the disability.

(b) The public agency must designate a team to determine whether an initial evaluation will be conducted.

- (A) The team must include the parent and at least two professionals, at least one of whom is a specialist knowledgeable and experienced in the evaluation and education of children with disabilities.
- (B) The team may make this decision without a meeting. If a meeting is held, parents must be invited to participate in accordance with OAR 581-015-2750.

(4) Evaluation planning. Before conducting any evaluation or reevaluation, the public agency must conduct evaluation planning in accordance with OAR 581-015-2115.

(5) Notice and consent.

- (a) Before conducting any evaluation or reevaluation, the public agency must provide notice to the parent in accordance with OAR 581-015-2745 that describes any evaluation procedures the agency proposes to conduct as a result of the evaluation planning process.
- (b) Before conducting any evaluation or reevaluation, the public agency must obtain written consent for evaluation in accordance with OAR 581-015-2735 and 581-015-2740.
- (c) If the public agency refuses an evaluation or reevaluation requested by the parent, the public agency must provide the parent with prior written notice under OAR 581-015-2745.
- (d) Parents may challenge the public agency's refusal to conduct an evaluation or reevaluation under OAR 581-015-2870.

(6) ECSE evaluation requirements: For a child suspected of being eligible for ECSE services, the following evaluation must be conducted:

- (a) For a child suspected of having any of the following disabilities, an evaluation in all areas of the suspected disability; ~~following OAR 581-015-2130 through 581-015-2180, respectively:~~
 - (A) Autism spectrum disorder (OAR 581-015-2130);
 - (B) ~~Communication disorder~~ Speech language impairment (OAR 581-015-2135);
 - (C) Deafblindness (OAR 581-015-2140);
 - (D) Emotional ~~disturbance~~ behavior disability (OAR 581-015-2145);
 - (E) ~~Hearing impairment~~ Deaf or hard of hearing (OAR 581-015-2150);

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- (F) Intellectual Disability [\(OAR 581-015-2155\)](#);
- (G) Orthopedic impairment [\(OAR 581-015-2160\)](#);
- (H) Other health **impaired impairment** [\(OAR 581-015-2165\)](#);
- (I) Specific learning disability [\(OAR 581-015-2170\)](#);
- (J) Traumatic brain injury [\(OAR 581-015-2175\)](#);
- (K) Visual impairment [\(OAR 581-015-2180\)](#); or

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- (b) For a child suspected of having a developmental delay, an evaluation that includes:
 - (A) Developmental History as defined in OAR 581-015-2000(89);
 - (B) At least one norm referenced, standardized test in each area of suspected delay;
 - (C) At least one additional procedure to confirm the child's level of functioning in each area of suspected delay;
 - (D) At least one 20-minute observation of the child;
 - (E) Review of previous testing, medical data, and parent reports; and
 - (F) Other evaluative information as necessary to determine eligibility.

(7) Reevaluation.

- (a) Public agencies must ensure that a reevaluation of each child with a disability is conducted in accordance with OAR 581-015-2115, subject to subsection (5) and (7)(b) in this rule:
 - (A) If the public agency determines that the ECSE needs of the child warrant a reevaluation; or
 - (B) If the child's parent or ECSE specialist requests a reevaluation.
- (b) A reevaluation for each child with a disability:
 - (A) May occur not more than once a year, unless the parent and public agency agree otherwise; and
 - (B) Must occur at least every three years, unless the parent and public agency agree that a reevaluation is unnecessary.

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(8) Conduct of evaluation. In conducting the evaluation, the public agency must:

- (a) 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:
 - (A) Whether the child is eligible for ~~EI~~ECSE services; and
 - (B) The content of the child's IFSP, including information related to enabling the child to be involved in and progress in appropriate activities;
- (b) 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
- (c) Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

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(9) Other evaluation procedures. Each public agency must ensure that:

- (a) 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;
- (b) Assessments and other evaluation materials used to assess a child under this part:
 - (A) Are selected and administered so as not to be discriminatory on a racial or cultural basis;
 - (B) Are provided and administered in the child's native language or other mode of communication as determined developmentally appropriate for the child by qualified personnel conducting the evaluation or

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assessment, 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 do so;

(C) Are used for the purposes for which the assessments or measures are valid and reliable;

(D) Are administered by trained and knowledgeable personnel; and

(E) Are administered in accordance with any instructions provided by the producer of the assessments.

(c) 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.

(d) 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).

(e) The evaluation is sufficiently comprehensive to identify all of the child's ~~E~~/ECSE and related services needs, whether or not commonly linked to the disability category in which the child has been classified; and

(f) The evaluation includes assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child.

(10) Evaluation timelines:

(a) Initial. An initial evaluation must be completed within 60 school days from written parent consent to the date of the meeting to consider eligibility.

(b) Reevaluation. A reevaluation must be completed within 60 school days from written parent consent (or from the date the evaluation is initiated under OAR 581-015-2740(3)) to the date of the meeting to consider eligibility, continuing eligibility or the student's educational needs.

(c) Exceptions. An evaluation may be completed in more than 60 school days under the following circumstances documented in the child's educational record:

(A) The parents of a child repeatedly fail or refuse to produce the child for an evaluation, or for other circumstances outside the school district's control;

(B) The student is a transfer student in the process of reevaluation and the public agency and the parents agree to a different length of time to complete the evaluation in accordance with subsection (d); or

(C) The public agency and parent agree to extend the timeline for an evaluation to determine eligibility for specific learning disabilities in accordance with OAR 581-015-2170.

(d) Transfer students.

(A) When a child with disabilities transfers from one ~~E~~/ECSE program to another ~~E~~/ECSE program in the same school year, the previous and current ~~E~~/ECSE programs must coordinate any pending assessments as necessary and as expeditiously as possible to ensure prompt completion of the evaluation.

(B) The exception under subsection (10)(c) only applies if the current ~~E~~/ECSE program is making sufficient progress to ensure a prompt completion of the evaluation and the parent and current ~~E~~/ECSE program agree to a specific time for completion of the evaluation.

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Statutory/Other Authority: ORS 343.475

Statutes/Other Implemented: ORS 343.475, 34 CFR 303.25 & 34 CFR 303.321(a)(5)

History:

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ODE 10-2019, temporary amend filed 03/25/2019, effective 03/25/2019 through 05/16/2019
ODE 14-2012, f. 3-30-12, cert. ef. 4-2-12
Renumbered from 581-015-0941, ODE 10-2007, f. & cert. ef. 4-25-07
ODE 6-2003, f. 4-29-03, cert. ef. 4-30-03
ODE 24-2000, f. & cert. ef. 10-16-00
EB 4-1995, f. & cert. ef. 1-24-95

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