

581-015-2775 revisions (SB 13)

EI Evaluation

(1) General.

(a) A public agency must conduct an evaluation or reevaluation process in accordance with this rule before determining that an [an ~~child-infant or toddler~~](#) qualifies for early intervention (EI) services, changing the [child_infant or toddler](#)'s eligibility, or terminating the [child_infant or toddler](#)'s eligibility under OAR 581-015-2780.

(b) EI evaluations and reevaluations must be conducted in accordance with OAR 581-015-2775.

(2) Request for initial evaluation. Consistent with the consent requirements in OAR 581-015-2730:

(a) A parent or public agency may initiate a request for an initial evaluation to determine if an [an ~~child-infant or toddler~~](#) qualifies for EI services.

(b) A public agency must refer an [an ~~child-infant or toddler~~](#) as soon as possible, but in no case more than seven days after the [child-infant or toddler](#) has been identified.

(3) When initial evaluation must be conducted. An initial evaluation must be conducted to determine if an [an ~~child-infant or toddler~~](#) is eligible for EI services when a public agency suspects or has reason to suspect that the [child-infant or toddler](#) has a disability, developmental delay, or condition likely to result in developmental delay.

(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 581-015-2730 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) EI Evaluation requirements: An EI evaluation or reevaluation must:

(a) Be conducted by a multidisciplinary team representing two or more separate disciplines or professions, including persons who are knowledgeable about the [child_infant or toddler](#);

(b) Assess the [child_infant or toddler](#)'s level of functioning in all the following areas: cognitive development, physical development including vision and hearing, communication development, social or emotional development, and adaptive development;

(c) Be based on informed clinical opinion;

(d) Be completed in time to conduct the initial IFSP meeting within 45 calendar days from the date of referral, except when the parent has not provided consent for the initial evaluation, or the initial assessment of the [child_infant or toddler](#), despite documented, repeated attempts by the lead agency or EI provider to obtain parental consent.

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(A) These exceptional circumstances must be documented in the child infant or toddler's early intervention records and note the extenuating family circumstances or the lead agency or EI providers attempts to obtain consent;

(B) The initial evaluation, assessment, or initial IFSP meeting must be completed as soon as possible after the documented circumstances described no longer exist or consent is obtained;

(C) An interim IFSP should be developed and implemented to the extent appropriate: and

(e) Include:

(A) For an child infant or toddler suspected of having autism spectrum disorder (OAR 581-015-2130), deafblindness (OAR 581-015-2140), ~~hearing impairment~~ deaf or hard of hearing (OAR 581-015-2150), orthopedic impairment (OAR 581-015-2160), traumatic brain injury (OAR 581-015-2175), or visual impairment (OAR 581-015-2180), the evaluation requirements ~~in OAR 581-015-2130 through 581-015-2180~~ for the respective disability; or

(B) A diagnosis of a physical or mental condition as described under in OAR 581-015-2780(3)(b); or

(C) An evaluation for determining a developmental delay as follows:

(i) At least one norm-referenced, standardized test addressing the child infant or toddler's level of functioning in each of the following developmental areas: cognitive; physical (including vision and hearing); communication; social or emotional; and adaptive;

(ii) At least one additional procedure to confirm the child infant or toddler's level of functioning in each area of suspected delay listed in subsection (6)(e)(C)(i) of this rule;

(iii) At least one 20-minute observation of the child infant or toddler;

(iv) A review of previous testing, medical data and parent reports; and

(v) Other evaluative information as necessary to determine eligibility.

(f) All evaluations and assessments of an child infant or toddler must be conducted in the native language of the child infant or toddler, unless it is clearly not feasible to do so.

(7) Reevaluation. A public agency must conduct a reevaluation of an child infant or toddler receiving early intervention services in accordance with OAR 581-015-2105 if the public agency determines that the EI needs of the child infant or toddler warrant a reevaluation, or, subject to subsection (5), if the child infant or toddler's parent or EI specialist requests a reevaluation.

Statutory/Other Authority: ORS 343.475

Statutes/Other Implemented: ORS 343.475, 34 CFR 303.24 & 34 CFR 303.310

History:

ODE 14-2012, f. 3-30-12, cert. ef. 4-2-12

Renumbered from 581-015-0945, ODE 10-2007, f. & cert. ef. 4-25-07

ODE 2-2003, f. & cert. ef. 3-10-03

ODE 24-2000, f. & cert. ef. 10-16-00

EB 4-1995, f. & cert. ef. 1-24-95

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