

581-015-2115 (SB 16)

Evaluation Planning

(1) Review of existing evaluation data. As part of an initial evaluation (if appropriate) and as part of any reevaluation, the child's IEP or IFSP team, and other qualified professionals, as appropriate, must:

- (a) Review existing information evaluation data on the child, including:
 - (A) Evaluations and information provided by the parents of the child;
 - (B) Current classroom-based, local, or state assessments, and classroom-based observations; **and**
 - (C) Observations by teachers and related services providers; **and**
 - (D) Medical, sensory, and health information
- (b) On the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine:

- (A) Whether the child is, or continues to be, a child with a disability;
 - (i) For a school-age child, under OAR 581-015-2130~~27~~ through 581-015-2180; or
 - (ii) For a preschool child (ECSE), under OAR ~~581-015-2780~~ or 581-015-2795; **or**
 - (iii) For an infant or toddler, under OAR 581-015-2780;
- (B) The present levels of academic achievement and related developmental needs of the child;
- (C) Whether the child needs, or continues to need, EI/ECSE or special education and related services; and
- (D) For reevaluation, whether the child needs any additions or modifications to special education and related services or, for a preschool child, any additions or modifications to ECSE services:
 - (i) To enable the child to meet the measurable annual goals in the child's IEP or IFSP; and
 - (ii) To participate, as appropriate, in the general education curriculum or, for preschool children, appropriate activities.

(2) Conduct of review. The team described in subsection (1) may conduct this review without a meeting. If a public agency holds a meeting for this purpose, parents must be invited to participate in conformance with OAR 581-015-2190 or, for parents of preschool children, with OAR 581-015-2750.

(3) Source of data. The public agency must administer tests and other evaluation materials as may be needed to produce the additional data identified under subsection (1)(b).

(4) Requirements if additional data are not needed.

- (a) If the child's IEP or IFSP team determines that no additional data are needed to determine whether the child is or continues to be a child with a disability, and to determine the child's educational and developmental needs, the public agency must notify the child's parents:
 - (A) Of that determination and the reasons for it; and
 - (B) Of the right of the parents to request an assessment to determine whether, for purposes of services under this part, the child continues to be a child with a disability, and to determine the child's educational and developmental needs.
- (b) The public agency is not required to conduct an assessment of the child unless requested to do so by the child's parents.

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Statutory/Other Authority: ORS 343.041, 343.045, 343.055 & 343.157
Statutes/Other Implemented: ORS 343.146, 343.157 & 34 CFR 300.305
History:
Renumbered from 581-015-0701, ODE 10-2007, f. & cert. ef. 4-25-07
ODE 12-2000, f. 5-3-00, cert. ef. 5-3-00

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