



## ASSESSMENT PLANS

An Assessment Plan (AP) is a document that outlines the assessment tools and methods used to determine eligibility for special education services as well as present levels of performance, the types of measurements used to collect this information, and the assessor(s) responsible for the collection/review of the data. Assessments will be comprised of data from multiple sources and will require a multidisciplinary team of specialists to gather and interpret the data.

An AP can be initiated for several reasons, some examples may include:

- Upon parent/guardian (i.e., educational rights holder) request
- To initiate an assessment for an initial evaluation
- To initiate an assessment for a triennial evaluation
- If a student is suspected as having an area of need that is not identified in the current IEP (including but not limited to behavior, social-emotional, and/or speech-language)
- If a student is suspected as having an additional disability that is not identified in the current IEP

Parent/guardian consent is not required when reviewing existing data, or before administering a test or other assessment that is administered to all students, unless before administration of that test or assessment, consent is required of the parent/guardian of all students.

### ***Parent/guardian Request for Assessment***

A parent/guardian has a right to request an evaluation at any time. For a student with an existing IEP, a triennial re-evaluation may be held early if mutually agreed upon by the school and parent(s)/guardian(s). Pursuant to EDC §56043(a), if a parent/guardian is requesting an assessment, the LEA/district must respond in writing within 15 days of the written request.

The LEA/district may deny the parent/guardian's request for an initial assessment or additional assessment using a Prior Written Notice (PWN) within 15 calendar days from the date of the request, if the school team determines that data indicates the student is receiving a Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE). The LEA/district shall include data in the PWN to ensure that the student is not suspected to be eligible for special education services under any of the 13 eligibility categories of the IDEA. Careful consideration and consultation with the LEA's/district's assigned SELPA Program Specialist are strongly encouraged before pursuing this option.

### ***Assessment Plan Content***

The proposed Assessment Plan (AP) (along with a PWN) given to parents/guardians shall meet all the following requirements:

- Be individualized to reflect the concerns identified through the referral process.
- Be provided in the primary language of the parent(s)/guardian(s) or another mode of communication used by the parent(s)/guardian(s), unless to do so is not feasible.

- Explain the types of assessments to be conducted and the professional personnel who is responsible for the administration and interpretation of the assessment. The EDCOE SELPAs recommend that assessors be listed by titles rather than by their name.
- Address all areas of suspected disability. State that no educational placement will result from the assessment without the consent of the parent(s)/guardian(s).

### ***Areas of Assessment***

The AP must be comprehensive and allow for assessing the student in all areas related to the suspected disability, including, if appropriate (34 CFR §300.304(c)(4), EDC §56320):

1. Health and developmental history
2. Vision, including low vision, and hearing (must be completed within the past year and prior to conducting assessments)
3. Motor abilities
4. Speech and language functioning
5. General intelligence or cognitive abilities\*
6. Processing skills
7. Academic achievement
8. Adaptive skills
9. Orientation and mobility skills
10. Career and vocational interests (transition planning)
11. Social, emotional, and/or behavioral functioning
12. Any other area of suspected disability

The AP must reflect an evaluation that is sufficiently comprehensive to identify all the student's needs for special education and related services by including assessment tools and strategies that provide relevant information that directly assists in determining the educational needs of the student. The LEA/district is entitled to select who will conduct the evaluations, determine how the process will work by deferring to the professional judgment of the evaluators. Parents/guardians have the right to information about the types of assessments an LEA plans to conduct. However, parents/guardians may not dictate terms or set conditions for an evaluation for special education purposes.

***\*Please note:*** Because of the Larry P. litigation, the use of cognitive tests is prohibited for African-American students, even with informed parental consent. For further information on selecting appropriate tests for African American students, please see the procedural guide section entitled "Assessment, Test Selection and Reports".

### ***Obtaining Parent/guardian Consent to Assess***

An AP requires consent from the student's educational rights holder. Most commonly, the educational rights holder is the student's parent(s)/guardian(s). If there are questions about who holds educational rights, please contact the LEA/district's assigned SELPA Program Specialist. For the purposes of this section, the educational rights holder is referred to as the "parent/guardian".

The AP must be provided either in-person, via email (with permission from the parent/guardian), sent home with the student, and/or mailed to the parent/guardian's home. In some cases, the school may need to require a return receipt via certified mail to provide documentation that the parent/guardian

received the assessment plan. When the AP is provided to a parent/guardian for review, the following must be attached:

1. A copy of the Notice of Procedural Safeguards
2. A Prior Written Notice (PWN)

Follow up contact with the parent(s)/guardian(s) is strongly encouraged to allow the parent(s)/guardian(s) an opportunity to communicate questions and/or concerns prior to providing consent for an assessment. An assessment shall not be conducted unless the written consent of the parent/guardian is obtained. Assessment may begin immediately upon receipt of the AP signed by the parent(s)/guardian(s).

If a parent/guardian is not identified or the location of a parent/guardian is unknown, a surrogate parent must be appointed to represent the student with a suspected disability. For more information on surrogate parents, please see the section of this Procedural Guide entitled, "Surrogate Parents." If the student is a ward of the state and is not residing with his/her parent(s)/guardian(s), the LEA/district must make reasonable efforts to obtain the informed consent from the parent(s)/guardian(s).

When a parent/guardian consents to the proposed AP, the LEA/district may proceed with assessments for determining special education eligibility. Consent to an AP does not grant the LEA/district any authority to implement changes to the student's educational program. Consent for initial assessment shall not be construed as consent for initial placement of initial provision of special education and related services to the student 34 CFR §300.300(a)(ii).

#### ***When Parents Refuse Consent to the Proposed Assessment Plan***

When a parent/guardian refuses to consent to an assessment, the LEA shall reach out to the parent/guardian to discuss their concerns with the proposed AP. The LEA must provide the parent/guardian with the necessary information to fully understand the AP and document their attempts to obtain parental consent. If a parent/guardian continues to deny a proposed AP, the LEA must make every effort to obtain a signature on the AP with the box checked for "I do not consent to the proposed assessment described above."

For initial assessments, if a parent/guardian refuses to consent or doesn't respond to requests for consent, an LEA may, but isn't required to pursue the initial evaluation of the student by utilizing the procedural safeguards in the IDEA, which include mediation procedures under 34 CFR § 300.507 through 34 CFR§300.516 and 34 CFR §300.300 (a)(3)(I).

For triennial re-evaluations, in situations where an LEA believes a re-evaluation is necessary, but the parent/guardian disagrees and refuses consent for re-evaluation, the public agency may but is not required to use the consent to override procedures (34 CFR §300.300 (c)(1)(ii) and 34 CFR §300.300(a)(3)).

When a parent refuses to consent to an AP proposed by the LEA, it is recommended to reach out to the LEA/district's assigned SELPA Program Specialist.

#### ***Assessment Timelines***

- Initial Evaluation Referral: The AP will be developed and sent to the parent(s)/guardian(s) for review within 15 calendar days from the receipt of referral. Once consent is received, the

assessment team has 60 days to conduct assessments and hold an IEP meeting to determine initial eligibility for services, EDC §56043(c).

- Triennial Evaluation: The AP will be developed and sent to the parent(s)/guardian(s) for review, giving the evaluation team enough time to complete the assessment prior to the triennial due date. The IEP team has 60 days to conduct assessments and hold an IEP meeting to determine if the student continues to qualify for special education services.
  - It should be noted that the triennial IEP due date, as listed on the “Information/Eligibility” section of the current IEP, is the date in which the IEP must be held, regardless of the 60-day assessment plan timeline. If the 60-day timeline generated from the AP results in a date prior to the triennial due date, then the team must convene by the 60-day timeline’s established date.
- Transition Evaluation: The AP will be developed and sent to the parent/guardian for review, giving enough time to complete and review the transition assessments and hold the IEP prior to the student’s 16th birthday (EDC § 50643((g)(1))).
- Other Requests for Evaluation: Upon request for assessment by the parent or other interested parties, the AP will be developed and sent to the parent(s)/guardian(s) for review within 15 days of the receipt of referral.

When a referral has been made 10 calendar days or less to the end of the academic school year, the assessment plan must be developed within the first 10 calendar days of the following school year. Note, existing IEP due dates (e.g., annual & triennial dates) supersede the 60-day assessment plan timeline.