



COMPREHENSIVE SPECIAL EDUCATION

EVALUATION

Related Legal Citations

Overview

The Individuals with Disabilities Education Act (IDEA) requires that special education evaluations be sufficiently comprehensive to make eligibility decisions and identify the student's educational needs, whether or not commonly linked to the disability category in which the student has been classified. (34 CFR 300.304). Comprehensive evaluations are conducted in a culturally and linguistically responsive manner; non-discriminatory for students of all cultural, racial, ethnic, socioeconomic and other backgrounds. Because assessments must be selected and administered so as not to be discriminatory on a racial or cultural basis, IEP team participants must collectively be skilled in test administration and other data collection methods, and must understand how systemic, racial, and other types of bias may influence the special education evaluation process and decisions. For more information about conducting culturally responsive special education evaluations and addressing systemic and racial referral and evaluation bias within an equitable MLSS, see the [Addressing Bias in a Comprehensive Special Education Evaluation section of this framework](#).

A comprehensive special education evaluation is conducted by a student's IEP team appointed by the district. The IEP team must include the parent as a required member and essential partner in decision-making. Special Education evaluation is a collaborative IEP team responsibility and represents a process, not an event. During the evaluation process, the team collectively gathers relevant information and uses it to make accurate and individualized decisions about a student's eligibility or continuing eligibility, effects of disability, areas of strength, and academic and functional needs. Data and other information used to make evaluation decisions come from a variety of sources and across environments. Guided by educationally relevant questions, both existing and new information is compiled or collected, analyzed, integrated, and summarized by the IEP team to provide a comprehensive picture of the student's educational strengths and needs.

Comprehensive evaluations must provide information relevant to making decisions about how to educate the student so they can access, engage, and make meaningful progress toward meeting age and grade level standards. Assessment and the collection of additional information relevant to understanding the student

plays a central role during evaluation, and subsequently in IEP development and reviewing student progress.

When conducting a special education evaluation, the IEP team must follow all procedural and substantive evaluation requirements specified in IDEA and Wisconsin Statute Chapter 115. This includes selection and administration assessment tools, using assessment data and other information for making required decisions, and finally, for documenting all evaluation findings and decisions. Evaluations that do not comply with both procedural and substantive requirements may be unreliable and inadequate for making accurate eligibility decisions and for providing the necessary information about student disability-related needs used to develop an eligible student's IEP.

Legal Citations

The following **excerpted** legal citations from [IDEA Regulations 34 CFR 300](#) are particularly relevant to conducting comprehensive special education evaluations.

[§300.8 Child with a disability.](#) (a) General—(1) Child with a disability means a child evaluated in accordance with §§ 300.304 through 300.311 as having an intellectual disability, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in this part as “emotional disturbance”), an orthopedic impairment, autism, traumatic brain injury, a health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services.

[§300.301 Initial Evaluations](#) (a) General. Each public agency must conduct a full and individual initial evaluation..., before the initial provision of special education and related services to a child with a disability under this part.

[§300.303 Reevaluations](#)

(a) General. A public agency must ensure that a reevaluation of each child with a disability is conducted in accordance with §§300.304 through 300.311--

(b)(2) Must occur at least once every 3 years, unless the parent and the public agency agree that a reevaluation is unnecessary.

[§300.304 Evaluation procedures](#)

(b) **Conduct of evaluation.** In conducting the evaluation, the public agency must

(1) 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

(i) Whether the child is a child with a disability under § 300.8; and

(ii) The content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities)

(2) 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

(3) Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

(c) **Other evaluation procedures** (*This section includes numerous requirements for assessments and non-discriminatory evaluation procedures.*) Each public agency must ensure that...

(1) Assessments and other evaluation materials used to assess a child;

(i) Are selected and administered so as not to be discriminatory on a racial or cultural basis;

(ii) Are provided and administered in the child's native language or other mode of communication 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 so provide or administer;

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

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

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

(2) Assessment 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.

(4) 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

(6) In evaluating each child with a disability..., the evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.....

(7) Assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided

[§300.305 \(a\) Additional requirements for evaluations and reevaluations-Review of existing evaluation data.](#) As part of an initial evaluation (if appropriate) and as part of any reevaluation, the IEP Team and other qualified professionals, as appropriate, must

(1) Review existing evaluation data on the child, including (i) Evaluations and information provided by the parents of the child; (ii) Current classroom-based, local, or State assessments, and classroom-based observations; and (iii) Observations by teachers and related services providers; and

- (2) On the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine (i)(A) Whether the child is a child with a disability, and the educational needs of the child; or(B) In case of a reevaluation of a child, whether the child continues to have such a disability, and the educational needs of the child;

§300.306 Determination of Eligibility. *(This section includes requirements related to interpreting evaluation data and exclusionary factors)*

(a) General. Upon completion of the administration of assessments and other evaluation measures-(1) A group of qualified professionals and the parent of the child determines whether the child is a child with a disability, and the educational needs of the child.

[General Exclusions to eligibility- These factors must be considered during to all evaluations- Some disability categories have additional determinant (i.e. exclusionary) factors]

(b) **Special rule for eligibility determination.** A child must not be determined to be a child with a disability (1) If the determinant factor for that determination is—

- (i) Lack of appropriate instruction in reading, including the essential components of reading instruction;
- (ii) Lack of appropriate instruction in math; or
- (iii) Limited English proficiency; and

(3) If the child does not otherwise meet the eligibility criteria under §300.8(a)



Wisconsin Department of Public Instruction
Special Education Team
Daniel Parker, Assistant Director for Special Education

125 S. Webster Street, P.O. Box 7841
Madison, WI 53707-7841
(608) 266-1781
daniel.parker@dpi.wi.gov

dpi.wi.gov/sped/ccr-ieps/comp-eval

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