

Urban Pathways K-5 College Charter School

Board of Trustees Policy

EVALUATION AND REEVALUATION POLICY

In accordance with applicable state and federal regulations, the Board of Trustees of the Urban Pathways K-5 College Charter School (“Charter School”) recognizes that in order to properly identify a student as eligible for special education and related services, the Charter School must have a process and procedures in place and, therefore, directs as follows the Evaluation and Reevaluation Policy. The Charter School adopts this policy which sets forth the procedural requirements for Evaluations and Reevaluations pursuant to the IDEA and Chapter 711 concerning Charter Schools.

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, an “other health impairment,” a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services. (Sec. 300.8 Child with a disability). For children aged three through nine experiencing developmental delays, see §300.8(b) and for definitions of disability terms noted herein, see §300.8(c). Determinations for identification of students with a specific learning disability are subject to sec. 300.309(a).

Initial evaluations

Initial evaluations are conducted pursuant to Sec. 300.301 (Initial evaluations):

[\(a\)](#) General. Each public agency must conduct a full and individual initial evaluation, in accordance with §§300.304 through 300.306, before the initial provision of special education and related services to a child with a disability under this part.

[\(b\)](#) Request for initial evaluation. Consistent with the consent requirements in §300.300, either a parent of a child or a public agency may initiate a request for an initial evaluation to determine if the child is a child with a disability.

[\(c\)](#) Procedures for initial evaluation. The initial evaluation –

(1)

(i) Must be conducted within 60 days of receiving parental consent for the evaluation; or

(ii) If the State establishes a timeframe within which the evaluation must be conducted, within that timeframe; and

(2) Must consist of procedures –

(i) To determine if the child is a child with a disability under §300.8; and

(ii) To determine the educational needs of the child.

(d) Exception. The timeframe described in paragraph (c)(1) of this section does not apply to a public agency if –

(1) The parent of a child repeatedly fails or refuses to produce the child for the evaluation; or

(2) A child enrolls in a school of another public agency after the relevant timeframe in paragraph (c)(1) of this section has begun, and prior to a determination by the child's previous public agency as to whether the child is a child with a disability under §300.8.

(e) The exception in paragraph (d)(2) of this section applies only if the subsequent public agency is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent public agency agree to a specific time when the evaluation will be completed.

A variety of assessment tools and strategies are used 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 Individualized Education Program ("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), citing Sec. 300.304(b)I1). The Charter School must (a) 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 (b) Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors, citing Sec. 300.304(b)(2) and (3).

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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, citing Sec. 300.304(c)(4).

Reevaluations

Pursuant to Sec. 300.303, the Charter School must ensure that a reevaluation of each child with a disability is conducted in accordance with §§300.304 through 300.311 –

- (1) If the public agency determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or
- (2) If the child’s parent or teacher requests a reevaluation.

Pursuant to the limitation under Section (b), a reevaluation conducted under paragraph (a) of this section –

- (1) May occur not more than once a year, unless the parent and the public agency agree otherwise; and
- (2) Must occur at least once every 3 years, unless the parent and the public agency agree that a reevaluation is unnecessary.

If a child has been diagnosed with an intellectual disability, a reevaluation is required every two years in Pennsylvania and cannot be waived. There are no exceptions, under the PARC Consent Decree, to waiver of the reevaluation of a student diagnosed with an intellectual disability, as defined in Section 300.8(c)(6). Intellectual disability means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child’s educational performance. The term “intellectual disability” was formerly termed “mental retardation.” See PaTTAN.net. The Special Education Evaluation/IEP Process LEA initiated request and Parent initiated request flowchart.

Additional requirements for evaluations and reevaluations

Pursuant to Sec. 300.305(a), As part of an initial evaluation (if appropriate) and as part of any reevaluation under this part, 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, as defined in §300.8, 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;
- (ii) The present levels of academic achievement and related developmental needs of the child;
- (iii)(A) Whether the child needs special education and related services; or (B) In the case of a reevaluation of a child, whether the child continues to need special education and related services; and
- (iv) Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general education curriculum.

The Charter School’s requirements if additional data are not needed are subject to section (d) and evaluations before change in eligibility are subject to section (e), §300.305. The Charter School’s evaluation and re-evaluation process is conducted by a Multi-Disciplinary Team (“MDT”). The Multi-Disciplinary Team is formed based on the student’s needs and includes a teacher and other qualified professionals who work with the child. In addition, the Parents are an integral part of the Team under the IDEA, as are other members, as required by law.

The Multi-Disciplinary Evaluation Process

The Multi-Disciplinary Evaluation (“MDE”) process must be conducted in accordance with specific timelines and must include protective procedures. The evaluation and reevaluation processes and procedures used as part of the Multi-Disciplinary Evaluation may not be racially or culturally biased.

The MDE process culminates with a written report called an Evaluation Report (“ER”) or a Reevaluation Report (“RR”) for the respective evaluation and reevaluation processes noted. These reports outline recommendations concerning a student’s eligibility for special education based on the presence of a disability and the need for specially designed instruction (“SDI”). Parents who think their child is eligible for special education may request, at any time, that the Charter School conduct a Multi-Disciplinary Evaluation. Requests for a Multi-Disciplinary Evaluations and for Reevaluations must be made in writing to the CEO or designee, or the Charter School Special Education Director. If a Parent makes an oral request for a Multi-Disciplinary Evaluation or Reevaluation, the Charter School shall provide a Parent with a form for the evaluation or reevaluation. If the Charter School denies the Parents’ request for an initial evaluation and/or for a reevaluation, the Parents have the right to challenge the denial through the processes offered by the Office for Dispute Resolution (“ODR”), such as with an impartial hearing or mediation.

If a Parent makes a request orally to any professional employee or administrator of the Charter School for an evaluation or a re-evaluation, that individual shall provide the Parent with a copy of the Permission to Evaluate (“PTE”) or the Permission to Reevaluate (“PTRE”) form within ten (10) calendar days of the oral request.

Copies of the Evaluation Report and/or the Reevaluation Report shall be disseminated to the Parents at least ten (10) school days prior to the meeting of the IEP Team, unless this requirement is waived by a Parent in writing.

If the Charter School determines that additional data is needed to complete a Reevaluation and has made “reasonable attempts” to get permission and has failed to get a response, it may proceed with the Reevaluation. Examples of reasonable attempts to contact Parents include documented telephone calls, registered (return receipt required) and other First Class Mail, and visits to the residence or Parents’ place of business. As part of the provision to provide a Free Appropriate Public Education (“FAPE”) to students with disabilities, all evaluations (whether an initial evaluation or a reevaluation) needed to determine a child’s eligibility for special education services must be provided by the Charter School at no charge to the Parents. If a child needs special education, including specially designed instruction and related services, defined

under the IDEA, the special programs and related services as determined by the IEP Team will be provided free by the Charter School.

For a copy of the Procedural Safeguards Notice, contact the Charter School CEO or designee, or the Charter School Director of Special Education. For questions about the evaluation/reevaluation process, including forms for the Permission to Evaluate ("PTE") and Reevaluate ("PTRE"), and for the Parents Procedural Safeguards regarding consent for the evaluation and reevaluation processes, or for any matters concerning the IEP process and special education, contact the Charter School CEO, or designee, or the Director of Special Education. The CEO or designee is directed to implement all procedures in accordance with this policy.

TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.