

# RESOURCE



## Evaluation/Eligibility Report Checklist

### The written evaluation report must contain:

- The determination of whether the child has an exceptionality (KAR 91-40-10(a)(1)(A))
- The basis for making the determination (KAR 91-40-10(a)(1)(B))
- Relevant behavior noted during the observation of the child (KAR 91-40-10(a)(1)(C))
- The Relationship of that behavior to the child's academic functioning (KAR 91-40-10(a)(1)(D))
- Educationally relevant medical findings, if any (KAR 91-40-10(a)(1)(E))
- Signatures of each team member indicating whether the report reflects their conclusion (KAR 91-40-10(a)(2))
- If not, the team member(s) must submit a separate statement presenting their conclusion (KAR 91-40-10(a)(2))

### If the child was identified with a specific learning disability (SLD) in addition to the above it must also contain:

- An assurance that the determination was made in accordance with applicable laws and regulations (KAR 91-40-10(e)(2))
- Documentation of whether the child:
  - Does not achieve adequately for the child's age or to meet state-approved grade-level standards (KAR 91-40-10(e)(5)(A))
  - Does not make sufficient progress to meet age or state-approved standards or exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade level standards or intellectual development (KAR 91-40-10(e)(5)(B))
- Determination of the team concerning the effect of the following factors on the child's achievement: visual, hearing, or motor skills disability; mental retardation; emotional disturbance; cultural factors; environmental or economic disadvantaged; or limited English proficiency (KAR 91-40-10(e)(6))

### If the child participated in a response to intervention (RtI) process the following items must be included in addition to those listed above:

- The instructional strategies used (KAR 91-40-10(f)(1))
- The student-centered data collected (KAR 91-40-10(f)(1))
- Documentation that parents were notified about:
  - The state's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided (KAR 91-40-10(f)(2)(A))
  - Strategies for increasing the child's rate of learning (KAR 91-40-10(f)(2)(B))
  - The parents' right to request an evaluation (KAR 91-40-10(f)(2)(C))

### Additional considerations:

- Were the assessments and other evaluation materials used to assess the student (for an initial evaluation or reevaluation) selected and administered so as not to be discriminatory on a racial or cultural basis? 34 C.F.R. 300.304(c)(1)(i); K.A.R. 91-40-9(a)(1)(A)

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- Were the assessments and other evaluation materials used to assess the student (for an initial evaluation or reevaluation) provided and administered in the student's native language or other mode of communication? 34 C.F.R. 300.304(c)(1)(ii); K.A.R. 91-40-9(a)(1)(B)
- During the most recent evaluation or reevaluation of the student, was the student assessed in ALL areas related to the suspected exceptionality, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities? 34 C.F.R. 300.304(c)(4); K.A.R. 91-40-9(b)(1)(A)-(H)
- Upon completing the most recent evaluation or reevaluation of the student, did a team of qualified professionals (including a person qualified to conduct a diagnostic exam) AND the parent determine whether the student is a student with an exceptionality? 34 C.F.R. 300.306(a)(1); K.S.A. 72-3428(e)(1)
- If the parent was required to obtain a medical diagnosis as part of the evaluation or re-evaluation, did the public agency pay for it? 34 C.F.R. 300.17(a), 300.34(c)(5); K.A.R. 91-40-1(z)(1), 91-40-1(nn)
- When conducting the evaluation or reevaluation, did the eligibility team ensure that a single procedure, measure or assessment was NOT used as the sole criterion for determining whether the student has an exceptionality and for determining an appropriate educational program for the student? 34 C.F.R. 300.304(b)(2); K.A.R. 91-40-9(a)(8)
- When interpreting evaluation data to determine if the student is or continues to be a student with an exceptionality and the educational needs of the student, did the team of qualified professionals and the parent draw upon, document, and carefully consider information from a variety of sources including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior? 34 C.F.R. 300.306(c)(1)(i)-(ii); K.A.R. 91-40-10(d)(1)-(2)
- The following information must be included on the evaluation/eligibility report:  
Did the group responsible for determining the student's (initial or continued) eligibility ensure that NONE of the following were the determinant factor? 34 C.F.R. 300.306(b)(1)(i)-(iii); K.A.R. 91-40-10(c)
  - Lack of appropriate instruction in reading, including the essential components of reading instruction (as defined in section 1208(3) of the ESEA as such section was in effect on the day before the date of enactment of the Every Student Succeeds Act (December 9, 2015)); or
    - "The term 'essential components of reading instruction' means explicit and systematic instruction in-- (A) Phonemic awareness; (B) Phonics; (C) Vocabulary development; (D) Reading fluency, including oral reading skills; and (E) Reading comprehension strategies" Federal Register, Vol. 71, August 14, 2006, p.46646
  - Lack of appropriate instruction in math; or
  - Limited English proficiency
- If the student was suspected to have a specific learning disability, did the group responsible for determining (initial or continued) eligibility include ALL of the following?: 34 C.F.R. 300.308; K.A.R. 91-40-11(a)
  - The student's parents; and the student's regular teacher; or if the student does not have a regular teacher, a regular classroom teacher qualified to teach a student of his or her age; or for a child of less than school age, an individual qualified by the SEA to teach a child of his or her age; and at least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher

For more information, contact:

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