

ASSESSMENT PLAN

Definition

An assessment plan is a document that delineates how a student will be evaluated and includes all of the requirements in EC 56321(b).

Legal Requirements

If an assessment for the development or revision of the IEP is to be conducted, the parent or guardian shall be given, in writing, a proposed assessment plan. The assessment plan must meet all of the following requirements:

1. Be in language easily understood by the general public.
2. Be provided in the native language or mode of communication of the parent or guardian unless it is clearly not feasible to do so.
3. Explain the types of assessments to be conducted.
4. State that no IEP will result without the consent of the parent.

As part of the assessment plan described above, the parent or guardian of the student shall be provided with a written notice that shall include all of the following information (which are included in the SELPA Procedural Safeguards. APPENDIX B

1. Upon completion of the administration of tests and other assessment materials, an IEP team meeting, including the parent or guardian and his or her representatives, shall be scheduled to determine whether the student is a student with disabilities and to discuss the assessment, the educational recommendations, and the reasons for these recommendations.
2. In making a determination of eligibility under paragraph (1), a student shall not be determined to be a student with a disability if the determinant factor for the determination is one of the following in subparagraphs (A) to (C), inclusive, plus subparagraph (D):
Except:
 - a. Lack of appropriate instruction in reading, including the essential components of reading instruction as defined in § 6368(3) of Title 20 of the United States Code.
 - b. Lack of appropriate instruction in mathematics.
 - c. Limited-English proficiency.
 - d. If the student does not otherwise meet the eligibility criteria under § 300.8(a) of Title 34 of the Code of Federal Regulations.
3. A copy of the assessment report and the documentation of determination of eligibility shall be given to the parent or guardian.
4. A parent or guardian has the right to obtain, at public expense, an Independent Educational Evaluation (IEE) of the student from qualified specialists, as defined by regulations of the board, if the parent or guardian disagrees with an assessment obtained by the district. A parent or guardian is entitled to only one IEE at public expense each time the district conducts an assessment with which the parent or guardian disagrees.
5. If a district observed the student in conducting its assessment, or if its assessment procedures make it permissible to have in-class observation of a student, an equivalent opportunity shall apply to an IEE of the student in the student's current educational placement and setting, and observation of an educational placement and setting, if any, proposed by the district, regardless of whether the IEE is initiated before or after the filing of a due process hearing proceeding.

6. The district may initiate a due process hearing to show that its assessment is appropriate. If the final decision resulting from the due process hearing is that the assessment is appropriate, the parent or guardian maintains the right for an IEE, but not at public expense.
7. If the parent or guardian obtains an IEE at private expense, the results of the assessment shall be considered by the district with respect to the provision of free appropriate public education (FAPE) to the student, and may be presented as evidence at a due process hearing regarding the student.
8. If a parent or guardian proposes a publicly financed placement of the student in a nonpublic school (NPS), the district shall have an opportunity to observe the proposed placement and the student in the proposed placement, if the student has already been unilaterally placed in the NPS by the parent or guardian. An observation conducted pursuant to this subdivision shall only be of the student who is the subject of the observation and shall not include the observation or assessment of any other student in the proposed placement. The observation or assessment by a district of a student other than the student who is the subject of the observation pursuant to this subdivision may be conducted, if at all, only with the consent of the parent or guardian pursuant to this article. The results of an observation or assessment of any other student in violation of this subdivision shall be inadmissible in a due process or judicial proceeding regarding the free appropriate public education (FAPE) of that other student.

A copy of Procedural Safeguards (also known as Parent Rights) shall be included with the assessment plan when sent to a parent or guardian.

Legal References

EC 56321; EC 56329

Timelines

The parent or guardian shall be given an assessment plan within 15 calendar days of the date of receipt of referral, not counting days between the student's general school sessions or terms or days of vacation in excess of 5 school days, unless the parent agrees in writing to an extension. In the case of vacations, the 15 calendar day timeline shall recommence on the date that the general school year reconvenes.

In the case of referrals received within ten calendar days prior to the end of the general school year, an assessment plan shall be developed within ten calendar days after the commencement of the subsequent general school year.

The parent has 15 calendar days following receipt of the assessment plan to sign consent.

Local Forms

Use the SELPA Assessment Plan. APPENDIX C

FAQ's

Can the case carrier complete the assessment plan without input from the assessment team and send it to the parents?

No, the assessment plan must address all areas related to the suspected disability, and the person drafting the assessment plan should consult with the student's teachers and parents to identify areas of suspected disability.

Can the case carrier put a person's name on an Assessment Plan without first consulting with that person?

No. In addition to the answer stated above, the cases carrier does not have the authority to commit the services of staff. This is especially true if the person to conduct the evaluation is not an employee of the district. Unless there is a specific reason to use an individual assessor, it is recommended that assessment plans not list the names of specific persons to complete assessments as these are subject to change.

What are the areas related to the suspected disability?

The actual areas to be assessed must be determined on an individual basis according to each student's unique needs. Areas to be assessed may include health and development, vision, hearing, motor abilities, language function, general intelligence, visual and/or auditory processing, academic performance, communicative status, self-help, orientation and mobility skills, career and vocational abilities and interests, and social and emotional status. In most situations, pursuant to EC §56327, all initial or triennial assessments should include observations of the student in both the classroom and an unstructured setting, and health/development, academic, and social/emotional testing, in addition to any unique needs of the student.

What do I put on the assessment plan if I am not going to administer a standardized test?

Regardless of the method of evaluation, indicate the area that is going to be evaluated, which can be done by observations, records review, interviews, etc.

What if, during an assessment, it becomes apparent that an area of need was not included in the assessment plan?

This situation illustrates why it is recommended that the team meet to discuss and develop the assessment plan, which should ensure that all areas of need are identified on the initial assessment plan. That being said, the case carrier will have to develop another assessment plan. In either case, it will require new parent consent.

REMINDERS

- The assessment plan must be developed within 15 calendar days of referral.
- The assessment plan must address all areas related to the suspected disability.
- The assessment plan must be developed with input from each assessor and the parent.
- The timeline can be extended with written parent approval.
- The parent has 15 calendar days to approve and return the assessment plan.
- Parents must receive a copy of procedural safeguards with the assessment plan.