

# **North Dakota Department of Public Instruction**

## **Special Education**

### **Procedural Compliance Self-Assessment Toolkit**

#### **Initial and Reevaluation**



**NORTH DAKOTA DEPARTMENT OF  
PUBLIC INSTRUCTION**

Kirsten Baesler, State Superintendent  
Department of Public Instruction  
600 E Boulevard Ave, Dept. 201  
Bismarck, ND 58505-0440

## **Purpose**

The North Dakota Department of Public Instruction (NDDPI) is responsible for developing and implementing methods to ensure public agencies comply with requirements of the Individuals with Disabilities Education Act (IDEA), 2004. The duties of the NDDPI include developing and implementing effective methods to identify noncompliance and to ensure noncompliance is corrected as soon as possible, but no later than one year after identification. As part of this effort, NDDPI created this toolkit for Special Education Units in North Dakota to assure their special education staff is complying with the requirements of the IDEA.

The State and each district need to have policies, practices and procedures in place to ensure that students are being appropriately identified for special education and related services and appropriately identified within specific disability categories.

According to §300.646(b) (1) The State must...."Provide for the review and, if appropriate, revision of the policies, procedures, and practices used in the identification or placement to ensure that policies, procedures, and practices comply with the requirements of this Act." This tool kit was made as guidance for North Dakota Special Education Units to ensure the special educators in North Dakota are complying with the requirements of IDEA. NDDPI strongly encourages North Dakota Special Education Units to sample IEPs yearly.

## **Conducting the Self-Assessment**

### *Sampling*

It is recommended by NDDPI that North Dakota Special Education Units sample a portion of their IEPs yearly. Appendix A provides steps for creating a sample

### *Evaluating Compliance*

The most recent IEPs and IEP team evaluations are used to conduct the self-assessment. Recording forms have been created by NDDPI for use with students in the sample and are available upon request. All records created (at the request of DPI or yearly monitoring done by the Special Education Unit) must be maintained for four (4) fiscal years (July 1-June 30).

### *Corrections of Noncompliance*

When using the self-assessment, any noncompliance identified must be corrected, which is specified in the tool kit. In order to immediately address the noncompliance and ensure future compliance, the public agency must develop unit-wide corrective actions, such as communicating with staff, reviewing future work product, revising policies or procedures, training staff, increasing supervision or adding staff. The tool kit supports units by developing and maintaining internal systems to monitor compliance with school districts. Internal monitoring is an efficient way to review present practices, readily identify and correct areas of noncompliance, incorporate ongoing professional development and to promote compliance consistently. All correction documents must be maintained for four (4) fiscal years (July 1-June 30).

ITEM NO.		ITEM DESCRIPTION	DIRECTIONS	REQUIRED STUDENT-LEVEL CORRECTIVE ACTION	IDEA REGULATION
EVAL-1	<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>The LEA must conduct activities for creating public awareness of special education services, advising the public of the rights of children and parents, and alerting community residents to the need for identifying and serving children who are in need of special education and related services.</p>	<p>This includes identification and location of children: attending private schools; children who are wards of the state; highly mobile children such as migrant and homeless children; and children who are suspected of having a disability even though they are progressing from grade to grade.</p> <p>Methods used by school districts to conduct the awareness activities include, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>• utilization of various local media resources including television, radio, and newspaper for public service announcements and print advertisements, as well as guest appearances on local radio and television programs;</li> <li>• development of communication links with various agencies that provide services to children eligible for special education within the community, including dissemination of information on child find activities to agencies and programs such as Head Start and other early childhood and child care programs, health services, hospitals, clinics, pediatricians, pediatric nurses, and social service professionals involved in child and family services;</li> <li>• direct contact activities with members of the community, including those who may not easily understand English or who may live in rural or isolated geographic areas. Examples of such activities are presentations at community</li> </ul>	<p><i>Current Compliance:</i> Local education agency (LEA) must take action to ensure future compliance including implementing a system of internal controls.</p>	<p>34 CFR 300.111 North Dakota Guidelines: Evaluation Process pages 2-3</p>

ITEM NO.		ITEM DESCRIPTION	DIRECTIONS	REQUIRED STUDENT-LEVEL CORRECTIVE ACTION	IDEA REGULATION
			<p>meetings, business group meetings, church sponsored meetings, and meetings of public employees and officials; and</p> <ul style="list-style-type: none"> <li>• notices posted on school district websites and bulletin boards in public places such as supermarkets, laundromats, gas stations, senior citizens centers, human service centers, and county social services offices.</li> </ul> <p>The requirement is met if the LEA has conducted activities to raise awareness of special education services. Enter “<b>yes</b>” and go to EVAL-2.</p> <p>The requirement is not met if the LEA has not conducted activities to raise awareness of special education services. Enter “<b>no</b>” and go to EVAL-2.</p>		
EVAL-2	<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>A reevaluation occurred at least once every three years.</p>	<p>Locate the <i>Student Profile or the Integrated Written Report IWAR</i> document. A reevaluation may occur not more than once a year and must occur at least once every three years, unless the parent and the public agency agree that a reevaluation is not necessary.</p> <p>The evaluation should answer the question – Does the child have a disability that requires the provision of special education and related services in order for the child to receive Free and Appropriate Education (FAPE)? What are the child’s specific educational needs? What special education and related services, would be appropriate for addressing those needs?</p> <p>Information gathered during the evaluation process is</p>	<p><i>Student Level Noncompliance:</i> Conduct a reevaluation.</p> <p><i>Current Compliance:</i> LEA must take action to ensure future compliance including implementing a system of internal controls.</p>	<p>34 CFR 300.303(b)(2) North Dakota Guidelines: Evaluation Process pages 20</p>

ITEM NO.	ITEM DESCRIPTION	DIRECTIONS	REQUIRED STUDENT-LEVEL CORRECTIVE ACTION	IDEA REGULATION
		<p>used to fully understand the educational needs of the child and to guide decision making about the kind of educational program that is appropriate for the child. From evaluation, it is imperative <i>to fully learn the nature and extent of the special</i> education and related services the child needs, so that a comprehensive and appropriate individualized education program (IEP) can be developed and implemented.</p> <p>Thus, the purpose of evaluation goes beyond identifying the disability to determine a child’s eligibility for special education and related services, and encompasses a comprehensive understanding of the impact of the disability on the child, so that a full and comprehensive IEP— that addresses the child’s needs—may be developed and implemented. Evaluation is the foundation for the IEP, which is, in turn, the cornerstone for providing FAPE to a child with a disability.</p> <p>Compare the date of the last comprehensive individual assessment report to the previous last comprehensive individual assessment report on the cover of the IEP.</p> <p>The requirement is <b>met</b> if the reevaluation was conducted in the last 3 years. Enter <b>“yes”</b> and go to EVAL-3.</p> <p>The requirement is <b>not met</b> if the reevaluation was not conducted in the last 3 years. Enter <b>“no”</b> and go to EVAL-3.</p>		

ITEM NO.	ITEM DESCRIPTION	DIRECTIONS	REQUIRED STUDENT-LEVEL CORRECTIVE ACTION	IDEA REGULATION
<b>EVAL-3</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<p>To determine whether the child is a child with a disability and the evaluation team used a variety of assessment tools and strategies to gather relevant functional, developmental and academic information, including information provided by the parent.</p>	<p>Locate the <i>Student Profile and/or Integrated Written Assessment Report (IWAR)</i>. If parent and school have determined re-evaluation is not necessary, enter “<b>NA</b>” (not applicable) and go to the next item.</p> <p>No single procedure can be used as the sole criterion in deciding whether a child has a disability. A team must 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.</p> <p>Review the student’s <i>Student Profile, Assessment Plan and/or Integrated Written Assessment Report (IWAR)</i> to ensure a variety of sources were used to make the eligibility determination. Variety doesn’t exclusively refer to the number of assessments, tools and strategies used. Look for sources of data that are consistent with the academic or functioning concerns that impede the child’s learning or participation in classroom activities.</p> <p>The requirement is <b>met</b> if there was a variety of assessment tools and strategies used to assist in determining whether the child is a child with a disability. Enter “<b>yes</b>” and go to EVAL-4.</p> <p>The requirement is <b>not met</b> if there was not a variety of assessment tools and strategies used to assist in determining whether the child is a child with a disability. Enter “<b>no</b>” and go to EVAL-4.</p>	<p><i>Student Level Noncompliance:</i> Go through the evaluation process and use a variety of assessment tools.</p> <p><i>Current Compliance:</i> LEA must take action to ensure future compliance including implementing a system of internal controls.</p>	<p>34 CFR 300.304(b) (1) North Dakota Guidelines: Evaluation Process pages 11-16</p>

ITEM NO.	ITEM DESCRIPTION	DIRECTIONS	REQUIRED STUDENT-LEVEL CORRECTIVE ACTION	IDEA REGULATION
<p><b>EVAL-4</b></p> <p><input type="checkbox"/> Yes  <input type="checkbox"/> No  <input type="checkbox"/> NA</p>	<p>Assessments and other evaluation material used to assess a child are:</p> <p>a) selected and administered to not be discriminatory on a racial or cultural basis;</p>	<p>Locate the <i>Assessment Plan</i>. If the parent and school have determined no need for additional assessments or a reevaluation is not necessary, enter “<b>NA</b>” (not applicable) for a-e in EVAL-4 and go to EVAL-5.</p> <p>The IEP team has the obligation to review the selection and administration of assessments for potential discrimination.</p> <p>An important component in evaluation is to ensure that assessment tools are not discriminatory on a racial or cultural basis. Throughout the evaluation process, it is important to identify all factors that may mask ability and cause the student to appear to have a disability.</p> <p>If the student being reviewed is not of a different race or culture, enter “<b>NA</b>” (not applicable) and go to EVAL-4 (b).</p> <p>The requirement is <b>met</b> if the student’s race and culture were taken into consideration when selecting the assessments. Enter “<b>yes</b>” and go to EVAL-4 (b). The requirement is <b>not met</b> if there was not a consideration of the student’s race or culture when selecting assessment. Enter “<b>no</b>” and go to EVAL-4 (b).</p> <p>Evaluation must also be conducted in the child’s typical, accustomed mode of communication (unless it is clearly not feasible to do so) and in a form that will</p>	<p><i>Student Level Noncompliance:</i>  Go through the evaluation process and identify procedures and assessment that would not yield accurate information.</p> <p><i>Current Compliance:</i>  LEA must take action to ensure future compliance including implementing a system of internal controls.</p>	<p>34 CFR 300.304(c) (i-v)  North Dakota Guidelines:  Evaluation Process  Page 12-20</p>

ITEM NO.	ITEM DESCRIPTION	DIRECTIONS	REQUIRED STUDENT-LEVEL CORRECTIVE ACTION	IDEA REGULATION
	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA b) provided and administered in the student's native language to yield accurate information;	<p>yield accurate information about what the child knows and can do academically, developmentally, and functionally. For many, English is not the native language; others use sign to communicate, or assistive or alternative augmentative communication devices. To assess such a child using a means of communication or response not highly familiar to the child raises the probability that the evaluation results will yield minimal, if any, information about what the child knows and can do.</p> <p>If the student being reviewed does not have a different mode of communication, enter <b>"NA"</b> (not applicable) and go to EVAL-4 (c).</p> <p>The requirement is <b>met</b> if the assessments were administered in the student's native language. Enter <b>"yes"</b> and go to EVAL-4 (c). The requirement is also <b>met</b> if the test was not administered in the student's native language and it is clearly not feasible to do so. Enter "yes" and go the EVAL-4 (c).</p> <p>The requirement is <b>not met</b> if the assessment was not administered in the student's native language. Enter <b>"no"</b> and go to EVAL-4 (c).</p> <p>The IEP team wants to make sure that the assessments being utilized were intended for the purposes for which they are using them. For example, giving a vocabulary test does not indicate whether a student does or does not have a language impairment. So if a</p>		



ITEM NO.	ITEM DESCRIPTION	DIRECTIONS	REQUIRED STUDENT-LEVEL CORRECTIVE ACTION	IDEA REGULATION
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<p>c) used for the purposes for which the assessments or measures are valid and reliable;</p> <p>d) administered by trained and</p>	<p>student did not do well on a vocabulary test, the team would not want to assume the student has a language impairment if that is not the purposes for which the test is valid and reliable.</p> <p>The requirement is <b>met</b> if the assessments were used for the purposes for which the assessments and measures were valid and reliable. Enter “<b>yes</b>” and go to EVAL-4 (d).</p> <p>The requirement is <b>not met</b> if the assessments were not used for the purposes for which the assessments and measures were valid and reliable. Enter “<b>no</b>” and go to EVAL-4 (d).</p> <p>Standardized tests must be validated for the specific purpose for which they are used and be administered by trained and knowledgeable personnel in accordance with any instructions provided by the producers of the tests. If an assessment is not conducted under standard conditions, information about the extent to which the assessment varied from standard conditions, such as the qualification of the persons administering the test or the method of test administration, needs to be included in the assessment report. The team can then evaluate the effects of these variances on the validity and reliability of the information reported and determine whether additional assessments are needed.</p> <p>The requirement is <b>met</b> if the staff administering the assessments on the assessment plan are trained and</p>		



ITEM NO.	ITEM DESCRIPTION	DIRECTIONS	REQUIRED STUDENT-LEVEL CORRECTIVE ACTION	IDEA REGULATION
	<p>communicative status, and motor ability.</p>	<p>When conducting an initial evaluation, it is necessary to examine all areas of a child’s functioning (intelligence, language, speech, hearing, vision, fine and gross motor skills, social/emotional behavior) to establish baseline information on the child and to recognize areas of impairment. This requires the public agency to ensure that the child is assessed in all areas related to the suspected disability. This could include, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities. This is not an exhaustive list of areas that must be assessed. Decisions regarding the areas to be assessed are determined by the suspected needs of the child.</p> <p>When conducting a reevaluation, after all existing information has been reviewed, the team will identify areas where additional information is needed to determine:</p> <ul style="list-style-type: none"> <li>• whether a disability exists or, in the case of a reevaluation, if a disability continues to exist;</li> <li>• the current levels of academic achievement related to the developmental needs of a child;</li> <li>• whether the child may need special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services; and</li> <li>• whether any additions or modifications to the special education and related services are</li> </ul>	<p>controls.</p>	

ITEM NO.	ITEM DESCRIPTION	DIRECTIONS	REQUIRED STUDENT-LEVEL CORRECTIVE ACTION	IDEA REGULATION
		<p>needed to enable the child: (1) to meet the measurable annual goals in the child’s individualized education program, and (2) to be involved in and progress in the general education curriculum, or for a preschool child, to participate in age appropriate activities.</p> <p>The requirement is <b>met</b> if the team identified and assessed all areas of need. Enter “<b>yes</b>” and go to EVAL-6.</p> <p>The requirement is <b>not met</b> if the team did not assess all areas of need. Enter “<b>no</b>” and go to EVAL-6.</p>		
EVAL-6	<p>A review of existing evaluation data on the student to identify what additional data, if any, were needed to complete the evaluation or reevaluation included:</p>	<p>Locate the <i>Student Profile</i>. If the parent and school have determined a reevaluation is not necessary enter “<b>NA</b>” (not applicable) for a-e and go to the next item. If there is not a Student Profile look at the IWAR to determine if the team reviewed data on that document. Determine whether each of the required staff participated.</p> <p>Once a referral for a comprehensive evaluation is made, a multidisciplinary team (MDT) must be identified. The members of the MDT may represent the same roles as the members of the IEP team. Input must be obtained by all required multidisciplinary team members and additional members who, because of their expertise or special knowledge of the student, can observe, gather data, and assess any aspect of the student’s functioning that may be affected by the suspected disability.</p>	<p><i>Student Level Noncompliance:</i> Offer parents the opportunity to conduct a new evaluation meeting with the local educational agency representative present.</p> <p><i>Current Compliance:</i> LEA must take action to ensure future compliance including implementing a system of internal controls.</p>	<p>34 CFR 300.305(a-b) North Dakota Guidelines: Evaluation Process pages 11-12</p>



ITEM NO.	ITEM DESCRIPTION	DIRECTIONS	REQUIRED STUDENT-LEVEL CORRECTIVE ACTION	IDEA REGULATION
	<input type="checkbox"/> No <input type="checkbox"/> NA  <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA  <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<p>where appropriate, not less than 1 special education provider; and</p> <p>d) individual who can interpret the results; and</p> <p>e) the parent(s).</p>	<p>Enter <b>“yes”</b> and go to EVAL-6 (d).</p> <p>The requirement is <b>not met</b> if the special education teacher did not participate in the review of existing data. Enter <b>“no”</b> and go to EVAL-6 (d).</p> <p>The requirement is <b>met</b> if an individual who can interpret the results participated in the review of existing data. Enter <b>“yes”</b> and go to EVAL-6 (e).</p> <p>The requirement is <b>not met</b> if an individual who can interpret the results did not participate in the review of existing data. Enter <b>“no”</b> and go to EVAL-6 (e).</p> <p>The requirement is <b>met</b> if the parent participated in the review of existing data. Enter <b>“yes”</b> and go to EVAL-7.</p> <p>The requirement is <b>not met</b> if the parent did not participate in the review of existing data. Enter <b>“no”</b> and go to EVAL-7.</p>	
<b>EVAL-7</b>	The IEP team reviews existing evaluation data on the child including:	<p>Locate the <i>Student Profile and/or IWAR</i> to ensure the evaluation team conducted a review of existing evaluation data. If the parent and school have determined a reevaluation is not necessary enter <b>“NA”</b> (not applicable) for a-c and go to EVAL-8. Evaluation does not necessarily mean standardized tests; the process could include several means of data collection with formal testing being only one approach.</p> <p>A wealth of information on the student should already</p>	<p><i>Student Level Noncompliance:</i> Offer parents the opportunity to conduct a new evaluation and review all existing data.</p> <p><i>Current Compliance:</i> LEA must take action to ensure future compliance including implementing a system of internal controls</p>	34 CFR 300.305(a)(1) North Dakota Guidelines: Evaluation Process pages 11-12

ITEM NO.	ITEM DESCRIPTION	DIRECTIONS	REQUIRED STUDENT-LEVEL CORRECTIVE ACTION	IDEA REGULATION
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	a) evaluation and information provided by the parent; and	<p>be present at the time of the reevaluation. The historical information and teacher/parent input is vital in addressing future eligibility and the effectiveness of the special education program.</p> <p>The data could be from a variety of sources such as AIMSWEB, State Assessment, MAPS testing, ect.. The written findings need to reflect the relationship of observational information to the student’s current levels of functioning. If a student is less than school age, a team member should observe the student in an environment appropriate and familiar to the student.</p> <p>It is critical to obtain input from parents so the team will fully understand the scope of the student’s needs. The parents are able to contribute valuable information about their child including developmental milestones, healthcare issues, behavior in the home and other settings, homework completion, recreational interests, and vocational interests.</p> <p>All information gathered during the evaluation process is important, whether conducted by school personnel or outside evaluators.</p> <p>The requirement is <b>met</b> if the review of existing data included any evaluation and/or information provided by the parent. Enter “<b>yes</b>” and go to EVAL-7 (b).</p> <p>The requirement is <b>not met</b> if the review of existing data did not include any evaluation and/or</p>		

ITEM NO.		ITEM DESCRIPTION	DIRECTIONS	REQUIRED STUDENT-LEVEL CORRECTIVE ACTION	IDEA REGULATION
	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA  <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<p>b) current classroom-based, local or state assessment; and</p> <p>c) observations by teachers and related service providers.</p>	<p>information provided by the parent. Enter <b>“no”</b> and go to EVAL-7 (b).            The requirement is <b>met</b> if the review of existing data included current classroom-based, local or state assessments. Enter <b>“yes”</b> and go to EVAL 7- (c).</p> <p>The requirement is <b>not met</b> if the review of existing data did not include current classroom-based, local or state assessments. Enter <b>“no”</b> and go to EVAL-7 (c).</p> <p>The requirement is <b>met</b> if the review of existing data included observations by teachers and related service providers. Enter <b>“yes”</b> and go to EVAL-8.</p> <p>The requirement is <b>not met</b> if the review of existing data did not include observations by teachers and related service providers. Enter <b>“no”</b> and go to EVAL-8.</p>		
<b>EVAL-8</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<p>The evaluation team adequately documented the need for no additional testing.</p>	<p>Locate the <i>Student Profile</i>. If the parent and school have determined a reevaluation is not necessary enter <b>“NA”</b> (not applicable) and go to EVAL-9. If additional testing was needed, enter <b>“NA”</b> (not applicable) and go to EVAL-9. The requirement is met if written notification is provided to the parents that no additional information is needed.</p> <p>If the IEP Team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the child continues to be a child with a disability, and to determine the</p>	<p><i>Student Level Noncompliance:</i>            Go through the evaluation process and adequately document the need for no additional testing.</p> <p><i>Current Compliance:</i>            LEA must take action to ensure future compliance including implementing a system of internal controls.</p>	<p>34 CFR 300.305(d)(1)            North Dakota Guidelines page 12</p>



ITEM NO.		ITEM DESCRIPTION	DIRECTIONS	REQUIRED STUDENT-LEVEL CORRECTIVE ACTION	IDEA REGULATION
			<p>child’s educational needs, the public agency must notify the child’s parents of the determination and the reason for the determination and the parents’ right to request additional assessments.</p> <p>The requirement is <b>met</b> if there is written documentation stating no need for additional testing has been provided to the parent. Enter “<b>yes</b>” and go to EVAL-9.</p> <p>The requirement is <b>not met</b> if written documentation stating no need for additional testing has not been provided to the parent. Enter “<b>no</b>” and go to EVAL-9.</p>		
<p><b>EVAL-9</b></p>	<p><input type="checkbox"/> Yes  <input type="checkbox"/> No  <input type="checkbox"/> NA</p>	<p>An evaluation must take place before a change in eligibility.</p>	<p>Locate the <i>Individualized Education Program: Services page</i>. If the student has not had a change in eligibility, enter “<b>NA</b>” (not applicable) and go to EVAL-10. Prior to dismissal from receiving special education and related services, the school district must complete the evaluation process before determining that the child is no longer a child with a disability. This includes a child who is dismissed from a single service, but who continues to receive other special education or related services.</p> <p>A comprehensive evaluation is not required before the termination of a student’s eligibility due to exceeding the age of eligibility for FAPE or due to graduation with a regular high school diploma.</p> <p>Compare the service page of the students IEPs. If a service is no longer being provided, see if the</p>	<p><i>Student Level Noncompliance:</i>            Conduct an evaluation to properly dismiss the student from services.</p> <p><i>Current Compliance:</i>            LEA must take action to ensure future compliance including implementing a system of internal controls.</p>	<p>34 CFR 300.305(e)            North Dakota            Guidelines: Evaluation            Process page 19-20</p>

ITEM NO.		ITEM DESCRIPTION	DIRECTIONS	REQUIRED STUDENT-LEVEL CORRECTIVE ACTION	IDEA REGULATION
			<p>evaluation process occurred before the dismissal of service.</p> <p>The requirement is <b>met</b> if the evaluation process occurred before a change in eligibility, and a dismissal from special education or related services. Enter <b>“yes”</b> and go to EVAL-10.</p> <p>The requirement is <b>not met</b> if the evaluation process did not occur before a change in eligibility, and a dismissal from special education or related services. Enter <b>“no”</b> and go to EVAL-10.</p>		
<b>EVAL-10</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<p>The LEA shall provide the child with a summary of academic achievement and functional performance upon graduation or exceeding the age of eligibility.</p>	<p>Locate the <i>Summary of Performance (SOP)</i>. If the student is not graduating or exceeding the age of eligibility, enter <b>“NA”</b> (not applicable) and go to EVAL-11.</p> <p>While the SOP is very closely tied to the information contained in the IEP, it should be a separate document which condenses and organizes the key information that should follow the student. It is a summary of existing data and of performance in academic and functional areas. The SOP must also include recommendations on how to assist the student in meeting the student’s measurable postsecondary goals. This SOP is in lieu of an exit evaluation.</p> <p>The requirement is <b>met</b> if the student is graduating or exceeding the age of eligibility and has a SOP. Enter <b>“yes”</b> and go to EVAL-11.</p> <p>The requirement is <b>not met</b> if the student is</p>	<p><i>Student Level Noncompliance:</i> If the student has not exited, create a <i>Summary of Performance</i>.</p> <p><i>Current Compliance:</i> LEA must take action to ensure future compliance including implementing a system of internal controls.</p>	<p>34 CFR 300.305(e)(3) North Dakota Guidelines: Evaluation Process page 38</p>

ITEM NO.	ITEM DESCRIPTION	DIRECTIONS	REQUIRED STUDENT-LEVEL CORRECTIVE ACTION	IDEA REGULATION
		<p>graduating or exceeding the age of eligibility and does not have a SOP. Enter “no” and go to EVAL-11.</p>		
<p><b>EVAL-11</b></p>	<p>A child must not be determined to be a child with a disability if the determinant factor for the determination is:</p> <p><input type="checkbox"/> Yes  <input type="checkbox"/> No  <input type="checkbox"/> NA</p> <p>a) lack of appropriate reading instruction; and</p>	<p>Locate the <i>Integrated Written Assessment Report (IWAR)</i>. If the parent and school have determined a reevaluation is not necessary enter “NA” (not applicable) for a-c in EVAL-11 and go to EVAL-12. If the student has no determinate factors, enter “NA” (not applicable) for a-c in EVAL-11 and go to EVAL-12.</p> <p>Some children may be inappropriately identified as having a disability because they have not received sufficient academic support. Therefore, in making an eligibility determination, a child may not be considered to be a child with a disability if the determinant factor is lack of instruction in reading or mathematics, or limited English proficiency. Consideration of these factors must be documented on the Integrated Written Assessment Report form.</p> <p>Information gathered should address whether the curriculum used included the 5 essential components of quality reading instruction, whether the curricular materials and strategies were research based and whether they were delivered by highly qualified instructors.</p> <p>The requirement is <b>met</b> if the IEP considered the lack of appropriate reading. Enter “yes” and go to EVAL-11 (b).</p> <p>The requirement is <b>not met</b> if the IEP team did not</p>	<p><i>Student Level Noncompliance:</i>  Re-evaluation the student and consider the determinate factors.</p> <p><i>Current Compliance:</i>  LEA must take action to ensure future compliance including implementing a system of internal controls.</p>	<p>34 CFR 300.306(b)(1)  North Dakota Guidelines: Evaluation Process page 18</p>

ITEM NO.		ITEM DESCRIPTION	DIRECTIONS	REQUIRED STUDENT-LEVEL CORRECTIVE ACTION	IDEA REGULATION
	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<p>b) lack of appropriate instruction in math; and</p> <p>c) limited English proficiency.</p>	<p>consider the lack of appropriate reading. Enter “no” and go to EVAL-11 (b).            Information gathered should address whether essential components of math instruction were included in the curriculum, whether the curricular materials were research based, and whether the instructors were highly qualified;</p> <p>The requirement is <b>met</b> if the IEP considered the lack of appropriate math instruction. Enter “yes” and go to EVAL-11 (c).            The requirement is <b>not met</b> if the IEP team did not consider the lack of appropriate math instruction. Enter “no” and go to EVAL-11 (c).</p> <p>Information gathered for students who are also limited in their English proficiency should include whether accommodations and interventions that addressed their language limitations were used. Any performance measures must be compared to the appropriate language and cultural grade level peer group so as to determine the actual performance discrepancy of the student.</p> <p>The requirement is <b>met</b> if the IEP considered the student’s limited English proficiency. Enter “yes” and go to EVAL-12.            The requirement is <b>not met</b> if the IEP team did not consider the student’s limited English proficiency. Enter “no” and go to EVAL-12.</p>		

ITEM NO.		ITEM DESCRIPTION	DIRECTIONS	REQUIRED STUDENT-LEVEL CORRECTIVE ACTION	IDEA REGULATION
EVAL-12	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<p>The evaluation team used information from a variety of sources in order to make the eligibility determination.</p>	<p>Locate the <i>Integrated Written Assessment Report (IWAR)</i>. If the parent and school have determined a reevaluation is not necessary enter “<b>NA</b>” (not applicable) and go to EVAL-13.</p> <p>The report should consider all current and relevant data that has been gathered and reviewed to make eligibility determination decisions. The integration of all assessment data ensures that attention has been given to observations and other information shared by each team member. In addition, it protects the student from being labeled inappropriately, which might occur if a decision were made by one person or on the basis of one procedure or situation.</p> <p>The requirement is <b>met</b> if the evaluation team used a variety of information to determine eligibility. Enter “<b>yes</b>” and go to EVAL-13.</p> <p>The requirement is <b>not met</b> if the evaluation team did not use a variety of information to determine eligibility. Enter “<b>no</b>” and go to EVAL-13.</p>	<p><i>Student Level Noncompliance:</i> Conduct a new evaluation and use a variety of sources when making the eligibility determination.</p> <p><i>Current Compliance:</i> LEA must take action to ensure future compliance including implementing a system of internal controls.</p>	<p>34 CFR 300.306(c) North Dakota Guidelines: Evaluation Process page 12</p>
EVAL-13		<p>The evaluation team upon request from the parent for an Independent Educational Evaluation (IEE) must:</p>	<p>Locate <i>Meeting Notes</i> or <i>Prior Written Notice</i> and/or Student Profile or IWAR documenting the parent requested an IEE, consideration by the IEP team, and decision. If an Independent Educational Evaluation has not been requested by the parents enter “<b>NA</b>” (not applicable) for a-b in EVAL-13.</p> <p>At the end of the evaluation process, parents who do not agree with some aspect of the evaluation have the</p>	<p><i>Student Level Noncompliance:</i> Provide the parent with a list of where the evaluation could be conducted and consider the results.</p> <p><i>Current Compliance:</i> LEA must take action to ensure</p>	<p>34 CFR 300.502(b) North Dakota Guidelines: Evaluation Process page 24</p>

ITEM NO.		ITEM DESCRIPTION	DIRECTIONS	REQUIRED STUDENT-LEVEL CORRECTIVE ACTION	IDEA REGULATION
	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<p>a) provide the parent with information where an IEE may be obtained and the agency criteria; and</p>	<p>right to request an independent educational evaluation at public expense. An independent evaluation is defined as an evaluation conducted by a qualified examiner who is not employed by the school district responsible for the education of the child in question. If the school maintains that its assessment is appropriate, the school must file a due process complaint notice to show that its evaluation is appropriate.</p> <p>If a due process complaint notice is not filed, the school must ensure that an independent evaluation is provided at public expense. The school must provide to parents, on request, information indicating where an independent evaluation may be obtained and the school district’s criteria for a qualified examiner.</p> <p>The requirement is <b>met</b> if the school provided information indicating where an independent evaluation may be obtained. Enter “<b>yes</b>” and go to the next item.</p> <p>The requirement is <b>not met</b> if the school did not provide information indicating where an independent evaluation may be obtained. Enter “<b>no</b>” and go to the next item.</p> <p>Results from any independent evaluation must be considered by the team for evaluation activities or program planning. It is important to determine that a qualified person conducted the independent</p>	<p>future compliance including implementing a system of internal controls.</p>	

ITEM NO.		ITEM DESCRIPTION	DIRECTIONS	REQUIRED STUDENT-LEVEL CORRECTIVE ACTION	IDEA REGULATION
	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	b) consider the independent evaluation once it is completed.	<p>evaluation, and that criteria for evaluation procedures were met.</p> <p>A parent is entitled to only one independent education evaluation at public expense each time the parent disagrees with a specific evaluation or reevaluation that is conducted or obtained by the school district.</p> <p>The requirement is <b>met</b> if the evaluation team considered the independent evaluation. Enter <b>“yes.”</b></p> <p>The requirement is <b>not met</b> if the evaluation team did not consider the independent evaluation. Enter <b>“no.”</b></p>		