North Dakota Department of Public Instruction

Special Education

Procedural Compliance Self-Assessment Toolkit

Initial and Reevaluation

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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	☐ Yes ☐ No	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.	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. Methods used by school districts to conduct the awareness activities include, but are not limited to, the following: • 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; • 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; • 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	*Current Compliance:* Local education agency (LEA) must take action to ensure future compliance including implementing a system of internal controls.	34 CFR 300.111 North Dakota Guidelines: Evaluation Process pages 2-3

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			meetings, business group meetings, church sponsored meetings, and meetings of public employees and officials; and • 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. The requirement is met if the LEA has conducted activities to raise awareness of special education services. Enter **"yes"** and go to EVAL-2. The requirement is not met if the LEA has not conducted activities to raise awareness of special education services. Enter **"no"** and go to EVAL-2.		
EVAL-2	☐ Yes ☐ No	A reevaluation occurred at least once every three years.	Locate the *Student Profile or the Integrated Written Report IWAR* 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. 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? Information gathered during the evaluation process is used to fully understand the educational needs of the	*Student Level Noncompliance:* Conduct a reevaluation. *Current Compliance:* LEA must take action to ensure future compliance including implementing a system of internal controls.	34 CFR 300.303(b)(2) North Dakota Guidelines: Evaluation Process pages 23

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			child and to guide decision making about the kind of educational program that is appropriate for the child. From evaluation, it is imperative *to fully learn the nature and extent of the special* education and related services the child needs, so that a comprehensive and appropriate individualized education program (IEP) can be developed and implemented. 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. Compare the date of the last comprehensive individual assessment report to the previous last comprehensive individual assessment report on the cover of the IEP. The requirement is **met** if the reevaluation was conducted in the last 3 years. Enter **"yes"** and go to EVAL-3. The requirement is **not met** if the reevaluation was not conducted in the last 3 years. Enter **"no"** and go to EVAL-3.		
EVAL-3	☐ Yes	To determine whether the child is a child with a	Locate the *Student Profile and/or Integrated Written Assessment Repo*rt (IWAR). If parent and school have	*Student Level Noncompliance:* Go through the evaluation process	34 CFR 300.304(b) (1) North Dakota

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	☐ No ☐ NA	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.	determined re-evaluation is not necessary, enter "**NA**" (not applicable) and go to the next item. 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. Review the student's *Student Profile, Assessment Plan and/or Integrated Written Assessment Report (IWAR)* 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. The requirement is **met** 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 **"yes"** and go to EVAL-4. The requirement is **not met** 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 **"no"** and go to EVAL-4.	and use a variety of assessment tools. *Current Compliance:* LEA must take action to ensure future compliance including implementing a system of internal controls.	Guidelines: Evaluation Process pages 15-16
EVAL-4		Assessments and other evaluation material	Locate the *Assessment Plan*. If the parent and school have determined no need for additional assessments	*Student Level Noncompliance:* Go through the evaluation process	34 CFR 300.304(c) (i-v) North Dakota

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		used to assess a child are:	or a reevaluation is not necessary, enter "**NA"** (not applicable) for a-e in EVAL-4 and go to EVAL-5. The IEP team has the obligation to review the selection and administration of assessments for potential discrimination. 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.	and identify procedures and assessment that would not yield accurate information. *Current Compliance:* LEA must take action to ensure future compliance including implementing a system of internal controls.	Guidelines: Evaluation Process Page 13-14
	☐ Yes ☐ No ☐ NA	a) selected and administered to not be discriminatory on a racial or cultural basis;	If the student being reviewed is not of a different race or culture, enter "**NA"** (not applicable) and go to EVAL-4 (b). The requirement is **met** if the student's race and culture were taken into consideration when selecting the assessments. Enter **"yes"** and go to EVAL-4 (b). The requirement is **not met** if there was not a consideration of the student's race or culture when selecting assessment. Enter **"no"** and go to EVAL-4 (b). 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 yield accurate information about what the child knows and can do academically, developmentally, and		

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			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.		
	☐ Yes ☐ No ☐ NA	b) provided and administered in the student's native language to yield accurate information;	If the student being reviewed does not have a different mode of communication, enter "**NA"** (not applicable) and go to EVAL-4 (c). The requirement is **met** if the assessments were administered in the student's native language. Enter **"yes"** and go to EVAL-4 (c). The requirement is also **met** 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). The requirement is **not met** if the assessment was not administered in the student's native language. Enter **"no"** and go to EVAL-4 (c). 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 student did not do well on a vocabulary test, the team would not want to assume the student has a language		

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	☐ Yes ☐ No ☐ NA	c) used for the purposes for which the assessments or measures are valid and reliable;	impairment if that is not the purposes for which the test is valid and reliable. The requirement is **met** if the assessments were used for the purposes for which the assessments and measures were valid and reliable. Enter **"yes"** and go to EVAL-4 (d). The requirement is **not met** if the assessments were not used for the purposes for which the assessments and measures were valid and reliable. Enter **"no"** and go to EVAL-4 (d). 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.		
	☐ Yes ☐ No ☐ NA	d) administered by trained and knowledgeable personnel;	The requirement is **met** if the staff administering the assessments on the assessment plan are trained and knowledgeable. Enter **"yes"** and go to EVAL-4 (e).		

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	☐ Yes ☐ No ☐ NA	e) administered with any instructions provided by the producer of the assessment.	The requirement is **not met** if the staff administering the assessments on the assessment plan are not trained and knowledgeable. Enter **"no"** and go to EVAL-4 (e). If an assessment is not conducted under standard conditions–meaning that some condition of the test has been changed (such as the qualifications of the person giving the test or the method of giving the test)–a description of the extent to which it varied from standard conditions must be included in the evaluation report The requirement is **met** if the team considered all the factors during the evaluation process. Enter **"yes"** and go to EVAl-5. The requirement is **not met** if the team did not consider all the factors during the evaluation process. Enter **"no"** and go to EVAL-5.		
EVAL-5	☐ Yes ☐ No ☐ NA	The evaluation team assessed all areas related to the suspected disability, including, if appropriate, health, vision, social and emotional status, general intelligence, academic performance, communicative status, and motor ability.	Locate the student's *Student Profile and/or Assessment Plan and/or Integrated Written Assessment Report (IWAR)* to determine if there are any needs/concerns evident elsewhere in the student's evaluation record that are not addressed as part of the evaluation. If the parent and school have determined a reevaluation is not necessary enter "**NA**" (not applicable) and go to EVAL-6. When conducting an initial evaluation, it is necessary to examine all areas of a child's functioning	*Student Level Noncompliance:* Go through the evaluation process and assess in all areas related to the suspected disability. *Current Compliance:* LEA must take action to ensure future compliance including implementing a system of internal controls.	34 CFR 300.304(c)(4) North Dakota Guidelines: Evaluation Process page 25

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			(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. When conducting a reevaluation, after all existing information has been reviewed, the team will identify areas where additional information is needed to determine: • whether a disability exists or, in the case of a reevaluation, if a disability continues to exist; • the current levels of academic achievement related to the developmental needs of a child; • 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 • whether any additions or modifications to the special education and related services are needed to enable the child: (1) to meet the measurable annual goals in the child's		

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			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. The requirement is **met** if the team identified and assessed all areas of need. Enter **"yes"** and go to EVAL-6. The requirement is **not met** if the team did not assess all areas of need. Enter **"no"** and go to EVAl-6.		
EVAL-6		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:	Locate the *Student Profile.* If the parent and school have determined a reevaluation is not necessary enter "**NA"** (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. 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. Input must be obtained by multidisciplinary team	*Student Level Noncompliance:* Offer parents the opportunity to conduct a new evaluation meeting with the local educational agency representative present. *Current Compliance:* LEA must take action to ensure future compliance including implementing a system of internal controls.	34 CFR 300.305(a-b) North Dakota Guidelines: Evaluation Process pages 10-11

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			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. While the preference of the school team may be to conduct this process as part of a meeting, a meeting is not required as noted in §300.305(b).		
	☐ Yes ☐ No ☐ NA	a) a local educational agency representative; and	The requirement is **met** if a LEA representative participated in the review of existing data. For students in a private or public residential facility, an LEA representative from the resident district or unit is required to participate. Enter **"yes"** and go to EVAL-6 (b). The requirement is **not met** if a LEA representative did not participate in the review of existing data. Enter **"no"** and go to EVAL-6 (b).		
	☐ Yes ☐ No ☐ NA	b) not less than 1 regular education teacher (if the student is, or may be, participating in the regular education environment); and	The requirement is **met** if the regular education teacher did participate in the review of existing data. Enter **"yes"** and go to EVAL-6 (c). The requirement is **not met** if the regular education teacher did not participate in the review of existing data. Enter **"no"** and go to EVAL-6 (c).		
	☐ Yes ☐ No ☐ NA	c) not less than 1 special education teacher, or where appropriate, not less than 1 special	The requirement is **met** if the special education teacher participated in the review of existing data. Enter **"yes"** and go to EVAL-6 (d).		

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		education provider; and	The requirement is **not met** if the special education teacher did not participate in the review of existing data. Enter **"no"** and go to EVAL-6 (d).		
	☐ Yes ☐ No ☐ NA	d) individual who can interpret the results; and	The requirement is **met** if an individual who can interpret the results participated in the review of existing data. Enter **"yes"** and go to EVAL-6 (e). The requirement is **not met** if an individual who can interpret the results did not participate in the review of existing data. Enter **"no"** and go to EVAL-6 (e).		
	☐ Yes ☐ No ☐ NA	e) the parent(s).	The requirement is **met** if the parent participated in the review of existing data. Enter **"yes"** and go to EVAL-7. The requirement is **not met** if the parent did not participated in the review of existing data. Enter **"no"** and go to EVAL-7.		
EVAL-7		The IEP team reviews existing evaluation data on the child including:	Locate the *Student Profile and/or IWAR* 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 "**NA"** (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. A wealth of information on the student should already be present at the time of the reevaluation. The historical information and teacher/parent input is vital	*Student Level Noncompliance:* Offer parents the opportunity to conduct a new evaluation and review all existing data. *Current Compliance:* LEA must take action to ensure future compliance including implementing a system of internal controls	34 CFR 300.305(a)(1) North Dakota Guidelines: Evaluation Process pages 11-13

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			in addressing future eligibility and the effectiveness of the special education program. 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. 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. All information gathered during the evaluation process is important, whether conducted by school personnel or outside evaluators.		
	☐ Yes ☐ No ☐ NA	a) evaluation and information provided by the parent; and	The requirement is **met** if the review of existing data included any evaluation and/or information provided by the parent. Enter **"yes"** and go to EVAL-7 (b). The requirement is **not met** if the review of existing data did not include any evaluation and/or information provided by the parent. Enter **"no"** and go to EVAL-7 (b).		

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	☐ Yes ☐ No ☐ NA	b) current classroom-based, local or state assessment; and	The requirement is **met** if the review of existing data included current classroom-based, local or state assessments. Enter **"yes"** and go to EVAL 7- (c). The requirement is **not met** if the review of existing data did not include current classroom-based, local or state assessments. Enter **"no"** and go to EVAL-7 (c).		
	☐ Yes ☐ No ☐ NA	c) observations by teachers and related service providers.	The requirement is **met** if the review of existing data included observations by teachers and related service providers. Enter **"yes"** and go to EVAL-8. The requirement is **not met** if the review of existing data did not include observations by teachers and related service providers. Enter **"no"** and go to EVAL-8.		
EVAL-8	☐ Yes ☐ No ☐ NA	The evaluation team adequately documented the need for no additional testing.	Locate the *Student Profile.* If the parent and school have determined a reevaluation is not necessary enter "**NA"** (not applicable) and go to EVAL-9. If additional testing was needed, enter "**NA"** (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. 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 child's educational needs, the public agency must notify the child's parents of the determination and the	*Student Level Noncompliance:* Go through the evaluation process and adequately document the need for no additional testing. *Current Compliance:* LEA must take action to ensure future compliance including implementing a system of internal controls.	34 CFR 300.305(d)(1) North Dakota Guidelines page 13

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			reason for the determination and the parents' right to request additional assessments. The requirement is **met** if there is written documentation stating no need for additional testing has been provided to the parent. Enter **"yes"** and go to EVAL-9. The requirement is **not met** if written documentation stating no need for additional testing has not been provided to the parent. Enter **"no"** and go to EVAL-9.		
EVAL-9	☐ Yes ☐ No ☐ NA	An evaluation must take place before a change in eligibility.	Locate the *Individualized Education Program: Services page*. If the student has not had a change in eligibility, enter "**NA"** (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. 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. Compare the service page of the students IEPs. If a service is no longer being provided, see if the evaluation process occurred before the dismissal of service.	*Student Level Noncompliance:* Conduct an evaluation to properly dismiss the student from services. *Current Compliance:* LEA must take action to ensure future compliance including implementing a system of internal controls.	34 CFR 300.305(e) North Dakota Guidelines: Evaluation Process page 12

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			The requirement is **met** if the evaluation process occurred before a change in eligibility, and a dismissal from special education or related services. Enter **"yes"** and go to EVAL-10. The requirement is **not met** if the evaluation process did not occur before a change in eligibility, and a dismissal from special education or related services. Enter **"no"** and go to EVAL-10.		
EVAL-10	☐ Yes ☐ No ☐ NA	The LEA shall provide the child with a summary of academic achievement and functional performance upon graduation or exceeding the age of eligibility.	Locate the *Summary of Performance (SOP).* If the student is not graduating or exceeding the age of eligibility, enter "**NA"** (not applicable) and go to EVAL-11. 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. The requirement is **met** if the student is graduating or exceeding the age of eligibility and has a SOP. Enter **"yes"** and go to EVAL-11. The requirement is **not met** if the student is graduating or exceeding the age of eligibility and does not have a SOP. Enter **"no"** and go to EVAL-11.	*Student Level Noncompliance:* If the student has not exited, create a *Summary of Performance.* *Current Compliance:* LEA must take action to ensure future compliance including implementing a system of internal controls.	34 CFR 300.305(e)(3) North Dakota Guidelines: Evaluation Process page 12

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EVAL-11		A child must not be determined to be a child with a disability if the determinant factor for the determination is:	Locate the *Integrated Written Assessment Report (IWAR)*. 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. 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. 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.	*Student Level Noncompliance:* Re-evaluation the student and consider the determinate factors. *Current Compliance:* LEA must take action to ensure future compliance including implementing a system of internal controls.	34 CFR 300.306(b)(1) North Dakota Guidelines: Evaluation Process page 22
	☐ Yes ☐ No ☐ NA	a) lack of appropriate reading instruction; and	The requirement is **met** if the IEP considered the lack of appropriate reading. Enter **"yes"** and go to EVAL-11 (b). The requirement is **not met** if the IEP team did not consider the lack of appropriate reading. Enter **"no"** and go to EVAL-11 (b).		

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			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;		
	☐ Yes ☐ No ☐ NA	b) lack of appropriate instruction in math; and	The requirement is **met** if the IEP considered the lack of appropriate math instruction. Enter **"yes"** and go to EVAL-11 (c). The requirement is **not met** if the IEP team did not consider the lack of appropriate math instruction. Enter **"no"** and go to EVAL-11 (c).		
			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.		
	☐ Yes ☐ No ☐ NA	c) limited English proficiency.	The requirement is **met** if the IEP considered the student's limited English proficiency. Enter **"yes"** and go to EVAL-12. The requirement is **not met** if the IEP team did not consider the student's limited English proficiency. Enter **"no"** and go to EVAL-12.		
EVAL-12	☐ Yes	The evaluation team used information from a	Locate the *Integrated Written Assessment Report (IWAR)*. If the parent and school have determined a	*Student Level Noncompliance:* Conduct a new evaluation and use	34 CFR 300.306(c) North Dakota

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	☐ No ☐ NA	variety of sources in order to make the eligibility determination.	reevaluation is not necessary enter "**NA**" (not applicable) and go to EVAL-13. 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. The requirement is **met** if the evaluation team used a variety of information to determine eligibility. Enter **"yes"** and go to EVAL-13. The requirement is **not met** if the evaluation team did not use a variety of information to determine eligibility. Enter **"no"** and go to EVAL-13.	a variety of sources when making the eligibility determination. *Current Compliance:* LEA must take action to ensure future compliance including implementing a system of internal controls.	Guidelines: Evaluation Process page 20
EVAL-13		The evaluation team upon request from the parent for an Independent Educational Evaluation (IEE) must:	Locate *Meeting Notes* or *Prior Written Notice* 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 "**NA**" (not applicable) for a-b in EVAL-13. At the end of the evaluation process, parents who do not agree with some aspect of the evaluation have the right to request an independent educational evaluation at public expense. An independent	*Student Level Noncompliance:* Provide the parent with a list of where the evaluation could be conducted and consider the results. *Current Compliance:* LEA must take action to ensure future compliance including implementing a system of internal	34 CFR 300.502(b) North Dakota Guidelines: Evaluation Process page 27

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			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. 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.	controls.	
	☐ Yes ☐ No ☐ NA	a) provide the parent with information where an IEE may be obtained and the agency criteria; and	The requirement is **met** if the school provided information indicating where an independent evaluation may be obtained. Enter **"yes"** and go to the next item. The requirement is **not met** if the school did not provide information indicating where an independent evaluation may be obtained. Enter **"no"** and go to the next item. 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 evaluation, and that criteria for evaluation procedures were met.		

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	☐ Yes ☐ No ☐ NA	b) consider the independent evaluation once it is completed.	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. The requirement is **met** if the evaluation team considered the independent evaluation. Enter **"yes."** The requirement is **not met** if the evaluation team did not consider the independent evaluation. Enter **"no.**"		