

CODE OF D.C. MUNICIPAL REGULATIONS
TITLE 5. BOARD OF EDUCATION
CHAPTER 30. SPECIAL EDUCATION POLICY

CDCR 5-3005 (2007)

5-3005. Evaluation and Reevaluation.

3005.1 The LEA shall ensure that a full and individual evaluation is conducted for each child being considered for special education and related services in order to determine:

- (a) if the child is a "child with a disability" under this Chapter; and
- (b) the educational needs of the child.

3005.2 The IEP team shall conduct an initial evaluation of a child within a reasonable time of receiving a written referral and parental consent to proceed and within timelines consistent with Federal law and [D.C. Code § 38-2501\(a\)](#).

3005.3 To conduct an evaluation, the IEP team shall:

- (a) draw upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior; and
- (b) carefully consider and document information used as a basis of the team decision.

3005.4 As part of an initial evaluation (if appropriate) and as part of any reevaluation, the IEP team, including other qualified professionals, as appropriate, shall:

- (a) review existing evaluation data on the child, including:
 - (1) evaluations and information provided by the parents of the child;
 - (2) current classroom-based assessments and observations; and
 - (3) observations by teachers and related service providers; and
- (b) on the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine:
 - (1) whether the child has a particular category of disability under this Chapter or, in the case of a reevaluation of a child, whether the child continues to have such a disability;

(2) the present levels of performance and educational needs of the child;

(3) whether the child needs special education and related services, or in the case of a re-evaluation of a child, whether the child continues to need special education and related services; and

(4) 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 curriculum.

3005.5 Qualified evaluators, under the direction of the IEP team, shall administer tests and other assessment procedures as may be needed to produce the data required to make the determinations described in § 3005.4.

3005.6 If the determination under § 3005.4 is that no additional data are needed to determine whether the child continues to be a child with a disability, the IEP team shall notify the child's parents of that determination and the reasons for it, and of the right of the parents to request an assessment to determine whether, for purposes of services under this section, the child continues to be a child with a disability. The IEP team is not required to conduct assessments under § 3005.4 unless requested to do so by the child's parents.

3005.7 A reevaluation under the procedures identified in §§ 3005.4--3005.6 shall be conducted at least once every three years, or more frequently if conditions warrant reevaluation; if the child's parent or teacher requests a reevaluation; or before determining a child is no longer a child with a disability.

3005.8 The LEA shall ensure that testing and assessment materials and procedures used to evaluate a child's need for special education and related services are:

(a) selected and administered in a manner that is not racially or culturally discriminatory; and

(b) provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so.

3005.9 The LEA shall ensure that:

(a) materials and procedures used to assess a child with limited English proficiency are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills;

(b) a variety of assessment tools and strategies are used to gather relevant functional and developmental information about the child, including information provided by the parent, and information related to enabling the child to be involved in and progress in the general curriculum (or for a preschool child, to participate in appropriate activities), that may assist

in determining whether the child is a child with a disability under this Chapter and the content of the child's IEP;

(c) any standardized tests that are given to a child:

(1) have been validated for the specific purpose for which they are used; and

(2) are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the tests;

(d) tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are to provide a single general intelligence quotient;

(e) tests are selected and administered to ensure that if the child has impaired sensory, manual or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflect impaired sensory, manual or speaking skills (unless those skills are the factors that the test purports to measure);

(f) no single procedure is used 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;

(g) the child is assessed in all areas related to the suspected disability, including, if appropriate:

(1) academic performance;

(2) health;

(3) vision;

(4) hearing;

(5) social and emotional status;

(6) general intelligence (including cognitive ability and adaptive behavior);

(7) communicative status; and

(8) motor abilities

(h) in evaluating each child with a disability, the evaluation is sufficiently comprehensive to identify all of the child's special education and services needs, whether or not commonly linked to the disability category in which the child has been classified;

(i) the IEP team uses technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors; and

(j) the IEP team uses assessment tools and strategies that provide information that directly assists persons in determining the educational needs of the child.

3005.10 In evaluating a child suspected of having a learning disability, in addition to the procedures described above, the IEP team shall ensure that at least one team member other than the child's regular teacher observes the child's academic performance in the regular classroom setting; or, in the case of a child of less than school age or out of school, observes the child in an appropriate setting for a child of that age.

CDCR 5-3006 (2007)

5-3006. Eligibility Determination.

3006.1 Reports of assessment procedures administered to a child in each area related to the suspected disability shall be available to the IEP team at the time of the eligibility determination meeting.

3006.2 Each assessment report shall include the following:

- (a) the date of assessment and the date of the report;
- (b) a description of the child's performance in each area assessed, including specific strengths and weaknesses;
- (c) information relevant to determinations under § 3005.4(b);
- (d) instructional implications for the child's participation in the general curriculum;
- (e) if an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions (e.g., the qualifications of the person administering the test, or the method of test administration); and
- (f) the signature and title of the qualified examiner(s) who administered the assessment procedure and who wrote the report.

3006.3 The IEP team shall consider all assessment reports in completing any evaluation of a child suspected of having a disability, or, in the case of reevaluation, any child identified as having a disability under this section. As the result of its consideration, the IEP team will determine whether the child:

- (a) is a child with a disability under this Chapter (or, in the case of reevaluation, whether the child continues to be a child with a disability); and
- (b) whether the child needs special education and related services (or, in the case of reevaluation, whether the child continues to need special education and related services).

3006.4 The IEP team shall determine that a child has a Specific Learning Disability (SLD) if:

(a) a disorder is manifested in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations.

(b) Disorder includes such conditions as:

- (1) perceptual disabilities;
- (2) brain injury;
- (3) minimal brain dysfunction;
- (4) dyslexia and;
- (5) developmental aphasia.

(c) Disorder does not include a learning problem that is primarily the result of:

- (1) a visual, hearing or motor disability;
- (2) mental retardation;
- (3) emotional disturbance; or
- (4) environmental, cultural or economic disadvantage.

(d) In determining whether a child has a specific learning disability, a local educational agency may use a process that determines if the child responds to scientific, research-based intervention as a part of the evaluation procedures.

3006.5 As the result of any evaluation or reevaluation, whether or not procedures in addition to those already available are conducted, the IEP team will prepare a written evaluation (reevaluation) report, including the following:

- (a) information provided by the parent(s);
- (b) results of assessment procedures considered and used as a basis for making an eligibility determination;
- (c) a statement whether the assessment procedures were valid for the purposes intended and valid for the child;
- (d) whether the child is a child with a disability;
- (e) whether the child needs special education and related services; and
- (f) the signatures of team members participating in the determinations.
- (g) if the child was suspected of having SLD, in addition to (a)--(f):
 - (1) a statement of whether the child has SLD;
 - (2) the basis for making the determination;
 - (3) the relevant behaviors noted during the observation of the child;

- (4) the relationship of the behaviors to the child's educational performance;
- (5) educationally relevant medical findings, if any;
- (6) a statement whether there is a severe discrepancy between achievement and ability that is not correctable without special education and related services;
- (7) the determination of the IEP team concerning the effects of environmental, economic, or cultural disadvantage; and
- (8) the written certification of each IEP team member as to whether the written report reflects the member's conclusions. If the written report does not reflect a member's conclusion, the team member shall submit a separate statement presenting the team member's conclusion. This separate statement will be included as part of the evaluation report.

3006.6 The IEP team may not determine that a child is a child with a disability if it determines that the determinant factor for the child's eligibility determination is:

- (a) lack of instruction in reading or mathematics; or limited English proficiency; and
- (b) the child does not otherwise meet the eligibility criteria.

3006.7 The LEA shall provide the parent with a copy of the evaluation report and each assessment report, at no cost to the parent.