

Module IV: Returning to School

STRATEGIES FOR SUCCESSFUL RE-ENTRY OF STUDENTS WITH TBI TO SCHOOL

This model has the framework of a gradual shift of leadership/responsibility from the medical facility to the educational facility. The medical facility takes leadership from the point of admission to discharge, with the educational facility taking on growing responsibility as the student nears discharge. At the point of discharge, the educational facility takes leadership with the medical facility taking more of the supportive role. At all points of the process, the family should be informed and involved as much as possible. Some families will choose to take leadership in planning the child's return to school; other families will rely on professionals to provide leadership. In all cases the family should be provided the name of their contact person in both settings.

MEDICAL FACILITY

Initially

- *Identify school and medical contact
- *Collect records of child's pre-injury status, school materials
- *Obtain consent/release of information
- *Establish if child received special services and if so, what?
- *Establish parameters of child's former school day, routines and curriculum
- *Provide preliminary information on TBI, child's status and possible outcomes

During Hospitalization

- *Provide regular updates on progress
- *Provide in-hospital educational support

- *Arrange for school/hospital on-site visits for key school and medical staff
- *Assess physical layout of home and school for potential barriers
- *Determine need and plan for in-service training, consultation and peer preparation
- *Prepare school for projected re-entry time frame
- *Educate family about special education process, rights, re-entry plan, child's projected services needs
- *Conduct multidisciplinary assessment at are Rancho Level VI and/or 3-4 weeks prior to discharge from facility
- *Refer for special education services, if appropriate

EDUCATIONAL FACILITY

Initially

- *Designate school contact person
- *Obtain parent permission to share information with medical facility
- *Determine relevant records to share; provide to medical facility

- *Provide information re: schedule, curriculum, routines
- *Collaborate with medical facility to determine program and services needed

During Hospitalization

- *Review and share updates with school staff
- * Provide relevant materials & assignments (if child is able to work on school work)
- * Coordinate on-site visits at school level

- * Share task of assessment of school environment
- * Determine need and plan for staff training, consultation, and peer preparation
- * Assure all elements necessary in the school environment are in place
- * Educate family about special education process, rights, re-entry plan, child's projected services needs
- *Participate in assessment process and share information

- *Refer for special education services, if appropriate

Module IV: Returning to School

Medical Facility

During Hospitalization (cont.)

Forward medical, psychological, educational, sociocultural and specialized therapy evaluation summaries 2-3 weeks prior to anticipated discharge. Provide information (written, oral, phone conference, videotape) of recommended behavioral management, therapeutic and instructional techniques

Prior to Discharge

- *Role play anticipated social scenarios with child in preparation for re-entry. Simulate school environment
- *Collaborate with school on providing identified in-service training, consultation and peer preparation
- *Offer to participate in school's eligibility and IEP meeting
- *Establish post-entry contacts and discuss availability of community resources
- *Establish follow-up and re-evaluation schedule

Educational Facility

During Hospitalization (cont.)

Share information from the medical facility with relevant staff members

Prior to Discharge

- *Provide information to medical facility to assist with preparatory activities
- *Collaborate with medical facility on providing identified in-service training, consultation and peer preparation
- *Convene and coordinate IEP meeting, involving medical facility staff
- *Facilitate contact with medical facility, involving family
- *Provide summary information for follow-up and re-evaluation

Adapted in part from objectives developed by Begali (1992, 1996)
Lorraine Henning, School Social Worker, CESA 10
Member, CESA 12 TBI Task Force
1/98

Module IV: Returning to School

TBI TRANSITION TO SCHOOL CHECKLIST

Student:_____ **Grade:**_____ **Date of Injury:**_____

School:_____ **Current Date:**_____

I. Prior to the Student's Return to School

- A. _____ Accept or begin referral for IEP team evaluation.
- B. _____ Establish school contact person.
- C. _____ Identify medical facility contact person.
- D. _____ Obtain parent signature on the release of information form.
- E. _____ Provide relevant school records to medical facility.
- F. _____ Access current medical information.
- G. _____ Attend or request information from medical update conferences. (Identify physical, cognitive, communication, medical, and social needs that may interfere with learning and social activities at school.)
- H. _____ Share medical information with appropriate school staff.
- I. _____ Visit student in medical facility.
- J. _____ Share information with family about school re-entry and special education.
- K. _____ Determine school staff and student in-service needs.
- L. _____ Attend discharge planning meeting at the medical facility.
- M. _____ Complete IEP team process prior to school re-entry when possible but at least within 60 days.
- O. _____ Check on needs of the student's siblings in school.

II. After the Student's Re-entry

- A. _____ Continue on-going communication with family.
- B. _____ Maintain communication with all service providers (private therapists, etc.).
- C. _____ Set up a system to monitor progress (e.g., monthly student progress meetings).
- D. _____ Develop peer support system.
- E. _____ Prepare a proactive response to situations that may be encountered (schedule changes, field trips, etc.).

Kathy Wanat, CESA 6

Module IV: Returning to School

TRANSITION CHECKLIST (for use after student returns to school)

Student: _____ **Grade:** _____ **Date of Injury:** _____
School: _____ **Current Date:** _____

The process of transition for students with TBI includes transition back to school after injury, transition between classes, grades, and schools; and transition to post-secondary education, work and residential settings. Be sure you are addressing ALL the transition needs of students.

I. Transition Between Classes

- A. _____ Be sure the student has the mobility necessary to travel between classes.
- B. _____ Provide appropriate supervision as the student changes classes.
- C. _____ Ensure that all teachers understand the abilities/needs of student.
- D. _____ If helpful, allow the student to leave class a few minutes early or late to get to the next class.

II. Transition Between Grades and Schools

- A. _____ Carefully consider the needs of the student when assigning teachers, schedules, and class locations.
- B. _____ Consult parents in planning the student's transition.
- C. _____ Be sure all teachers are aware of the needs of the student.
- D. _____ Allow the student to become familiar with the new setting in advance.
- E. _____ Provide opportunities for the student to interact with new teachers before the transition.
- F. _____ If helpful and feasible, implement transition gradually, so that student maintains contact with familiar people and places.

III. Transition Planning for Post School Settings

- A. _____ Beginning at age 14 identify courses needed (e.g., vocational, advanced placement)
- B. _____ At least by age 16 identify needed services in:
 - _____ instruction
 - _____ related services for transition
 - _____ community experiences
 - _____ development of employment objectives
 - _____ other post school adult living objectives
 - _____ acquisition of daily skills if appropriate
 - _____ functional vocational evaluation if appropriate

*Remember that there are also specific transition requirements under IDEA for Birth to Three/Early Childhood special education. *See Indiana's Department of Education Special Education's Web address: <http://www.doe.in.gov/exceptional/speced/transition.html> for information on post school transition.

Module IV: Returning to School

Indiana Article 7 511 IAC 7-42-3

511 IAC 7-42-3 Case conference committee participants

Sec 3.

(a) For each CCC meeting, the public agency must designate a representative who:

- (1) is:
 - (A) knowledgeable about the availability of, and has the authority to commit resources of the public agency;
 - (B) qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities; and
 - (C) knowledgeable about the general education curriculum; and
- (2) may be any public agency participant of the CCC if the criteria of subdivision (1) are satisfied.

(b) The public agency must ensure that the case conference participants include the following:

- (1) The designated public agency representative as described in subsection (a).
- (2) One (1) of the following:
 - (A) The student's current teacher of record.
 - (B) In the case of a student with a language or speech impairment only, the speech-language pathologist.
 - (C) For a student whose initial eligibility for special education and related services is under consideration, a teacher licensed in the area of the student's suspected disability.
- (3) Not fewer than one (1) of the student's general education teachers, if the student is or may be participating in the general education environment. For purposes of early childhood, a general education teacher may be:
 - (A). a general education:
 - (i) teacher who provides services to nondisabled students in the public agency's preschool program; or
 - (ii) kindergarten teacher who provides services to nondisabled students if the student is of kindergarten age; or
 - (B) an individual knowledgeable about early childhood development, curriculum, and integrated placement options if the public agency does not have a general education preschool program.
- (4) An individual who can interpret the instructional implications of evaluation results, who may be a member of the CCC described in subdivisions (1) through (3) or subsection (e).
- (5) The:
 - (A). parent of a student less than eighteen (18) years of age; or
 - (B) student of legal age as defined in 511 IAC 7-32-91;unless the parent or student of legal age choose not to participate, as described in section 2(b) of this rule.

Module IV: Returning to School

Common Medications Students with TBI May Be Taking When They Return to School and Their Side Effects

I. Children who have experienced TBI are most commonly discharged with medications to control seizures and spasticity. A description of the most common medications used for these purposes and their side effects follows:

Seizures. There are several antiepileptic or anticonvulsive medications that are used to treat seizures. The following table lists anti-seizure medications and their side effects:

Medication	Possible Side Effects
Depakene (valproate, valproic acid) Depakote (divalproex sodium)	Nausea, vomiting, diarrhea, constipation, restlessness, irritability, hair loss, trembling of hands or arms, weakness, drowsiness, dizziness
Dilantin (phenytoin)	Nervousness, constipation, excess hair growth, thickening of lips, loss of appetite, nausea, vomiting, drowsiness, dizziness
Klonopin (clonazepam)	Dry mouth, nausea, vomiting, diarrhea, constipation, drowsiness, dizziness, clumsiness, trouble concentrating, blurred vision, headache, "hangover" effects
Lamictal (lamotrigine)	Drowsiness, dizziness, headache, upset stomach, nausea, nervousness
Neurontin (gabapentin)	Drowsiness, dizziness, blurred vision or rapid eye twitching, poor muscle control, loss of appetite, nausea, vomiting, nervousness, weight gain
Tegretol (carbamazepine)	Nausea, headache, rash, drowsiness, dizziness, clumsiness, blurred vision,
Valium (Diazepam)	Blurred vision, "hangover" effects, drowsiness, dizziness, nausea, vomiting, difficulty urinating

Note. Medications are listed by their brand name, followed by their generic name in parentheses.

Spasticity. The most common medication used with children with TBI to reduce or prevent spasticity is called **baclofen** (brand name **Lioresal**). Baclofen is a muscle relaxant and can be administered through a pump implanted under the skin directly to the spinal fluid (called *intrathecal baclofen therapy*).

Possible side effects from the use of baclofen include:

- | | |
|--|-----------------------------------|
| *Rash or itching | *Loss of appetite or weight gain |
| *Chest pain or irregular heartbeat | *Frequent urination |
| *Bloody urine | *Upset stomach, nausea, diarrhea |
| *Tremors or seizures | *Headache |
| *Slurred speech | *Trouble sleeping, depressed mood |
| *Nervousness, dizziness, or drowsiness | *Weakness, tiredness |

II. Issues to Consider with Students on Medication at School

- *Physical, cognitive, and emotional side effects
- *Administration of medication in school
- *Duration of medication effects

Note: For further information contact a physician or school nurse.
Brian McKeivitt, 7/99

Module IV: Returning to School

Definitions and Examples of Common Motor Deficits

Physical Deficit	Definition	Example
Apraxia	Inability to initiate, sequence, and execute purposeful motor activities.	The student may have trouble figuring out how to get from one position to another or
Ataxia	Difficulty coordinating movements, especially with injuries of the cerebellum.	Difficulty with postural control in sitting or standing position. The student may exhibit increased body sway, staggering with walking, or tremors in arms or legs.
Coordination Problems	Difficulty performing smooth, controlled motor movements. This is often seen with activities that require use of both hands at the same time or arms and legs simultaneously.	Difficulty catching a ball with one or both hands or kicking a ball. Difficulty with precise hand movements for eating or writing.
Paresis or Paralysis	Muscular weakness or loss of voluntary movement.	Inability to walk, write, or care for himself or herself.
Orthopedic Problems	Injury to the muscles, bones, or joints in the body.	Fracture to a leg will affect the student's mobility and activities of daily living.
Spasticity	An abnormal amount of increased muscle tone, which interferes with voluntary movement.	Difficulty bending or straightening the arms and legs makes positioning difficult. Independent functional movement is difficult, particularly fine movement.
Balance Problems	Inability to maintain body posture while walking, standing, or performing an activity.	The student may have difficulty walking safely in crowded hallways or lunch rooms.
Impaired Speed of Movement	Inability to perform movement with speed and precision.	Difficulty on timed motor tests. Problems with sorting, sequencing, and organizing activities in a timely manner.
Fatigue	Decreased endurance for daily activities.	Student may be able to walk independently but needs a wheelchair for long distances or rest periods during the day.

Module IV: Returning to School

Common Cognitive-Communication Deficits after TBI

Deficit	Example of Behavior
Executive functions	<input type="checkbox"/> lack of initiative <input type="checkbox"/> reduced anticipation <input type="checkbox"/> difficulty planning to reach goals
Memory	<input type="checkbox"/> forgets belongings, assignments <input type="checkbox"/> can't store & retrieve new information efficiently <input type="checkbox"/> asks same questions every day <input type="checkbox"/> remembers what was learned before injury, but has difficulty learning new concepts and skills
Information processing	<input type="checkbox"/> unable to follow lengthy or rapid instructions <input type="checkbox"/> slow to respond
Sequencing	<input type="checkbox"/> tells stories with events out of order <input type="checkbox"/> has difficulty following own daily schedule <input type="checkbox"/> starts in the middle of a task
Comprehension of abstract language	<input type="checkbox"/> has difficulty detecting inferences, double meanings, humor
Word retrieval	<input type="checkbox"/> uses vague referents and fillers (such as, "um, you know, that thing")
Expressive language organization	<input type="checkbox"/> stories lack cohesiveness <input type="checkbox"/> rambles, is tangential
Pragmatics	<input type="checkbox"/> doesn't read listener cues <input type="checkbox"/> has limited repertoire of topics, responses
Problem solving	<input type="checkbox"/> can't identify salient features of a problem <input type="checkbox"/> solutions may be related but not on target <input type="checkbox"/> thinks concretely
Attention, concentration	<input type="checkbox"/> easily distracted <input type="checkbox"/> overloads quickly <input type="checkbox"/> loses place when reading <input type="checkbox"/> has difficulty staying on task <input type="checkbox"/> misses parts of instruction

Adapted from Corbett and Ross-Thomson (1996)

Module IV: Returning to School

MONTY

Monty has returned to his first grade classroom. During the first few weeks after his return, his teacher was pleased with Monty's progress. He seemed able to do many of the academic tasks he had mastered before the accident. For example, he could add and subtract single digit numbers, and his behavior wasn't a problem. Most of the time he was quiet, and the teacher had to encourage him to complete activities. The teacher was a little puzzled with his reading; he seemed to skip some words, especially when a sentence continued on the next line, but she figured that would take care of itself.

Now the teacher is concerned because she feels Monty is too dependent on her. She thinks Monty should be showing more initiative in completing class activities, and she is becoming irritated with his "dawdling." When Monty finally does start working on something, he won't quit and move on to the next activity. Furthermore, the teacher has noticed that the other students are tired of waiting for Monty to get in the lunch line, get ready for recess, and do his share in small group activities.

His teacher is also frustrated because Monty has been slow in learning two-digit addition. She thought it would be easy for him because his math skills were so good before the accident. She wonders if he is just trying to get her attention by working slowly, doing problems over and over, and getting the answers wrong. She has reminded him again and again to do all the problems on the page, but he often skips some problems on the left side of his papers.

1. What possible difficulties might be limiting Monty's performance in school?

2. What evidence do you see that NEW learning is difficult for Monty?

3. How might the teacher misinterpret Monty's school performance?

Module IV: Returning to School

Social-Emotional Deficit

Examples of Behavior: The student

Irritability

- Is easily annoyed by small things
- Is easily provoked

Impulsivity

- Blurts out answers
- Takes others' materials

Disinhibition

- Is immodest
- Uses inappropriate language

Perseveration

- Continues working on the same drawing, over and over
- Repeats responses

Emotional lability

- Laughs and or cries easily
- Changes emotions quickly

Insensitivity to social cues

- Continues talking when people are no longer listening
- Gets into others' personal space even though they back away

Anxiety

- Gets more nervous or worried about things than other students
- Can't perform some tasks because of worry or nervousness

Withdrawal

- Sits in the back of the room alone during small group work
- Eats alone in the cafeteria

Egocentricity

- Doesn't want to share materials
- Always has to be first

Denial of deficit/lack of insight

- Refuses help because thinks it is unnecessary
- Can't understand why treated differently

Depression

- Appears sad, tearful, unhappy
- In adolescents, may act out

Low frustration tolerance

- Gets angry when having difficulty with a task
- Gives up if work is even a little challenging

Adapted from Corbett and Ross-Thomson, 1996

Module IV: Returning to School

SERENA

Serena has returned to her seventh grade class. The IEP team has planned many accommodations for her, and they seem to be working well overall, but the IEP team is meeting to discuss some difficulties Serena's teachers are having.

One problem Serena's general education teacher is having is that Serena can't seem to wait for anything. She is impatient about getting help when she needs it, and she has to be first in everything – from getting in the cafeteria lunch line to getting a paper back in class. The teacher has told her again and again that she can't always be first, but the teacher says Serena insists on being first anyway. One day the teacher said to another teacher "I've told Serena over and over again that she has to wait her turn, but she doesn't. I think she's getting spoiled by all the special arrangements we have made for her."

Serena's special education teacher is having difficulty getting Serena to come with her for individual instruction in math. Serena says the work is "babyish" and she already knows how to do it. When the teacher is successful getting Serena started on an assignment, Serena may only work for two to three minutes before quitting and saying, "I can't do this. There's something wrong with these problems. And I did this in fourth grade." The other students in the resource room think Serena is funny because sometimes she uses inappropriate language.

1. What social-emotional deficits might contribute to Serena's difficulties?

2. What other deficits might also contribute to Serena's behavior?

3. How might the teacher misinterpret Serena's behavior?

Module IV: Returning to School

Traumatic Brain Injury Checklist

Student: _____ Grade: _____ Date of Injury: _____
 School: _____ Current Date: _____

Please rate the student's behavior (in comparison to same-age classmates) using the following rating scale:

- Not at all
- Occasionally
- Often
- Very Severe & Frequent Problem

Not at all	Occas	Often	Very Severe	
				A. Orientation & Attention to Activity
				Confused with time (day, date); place (classroom, bathroom, schedule changes); and personal information (birth date, address, phone, schedule)
				Seems "in a fog" or confused
				Stares blankly
				Appears sleepy or to fatigue easily
				Fails to finish things started
				Cannot concentrate or pay attention
				Daydreams or gets lost in thoughts
				Inattentive, easily distracted
B. Starting, Changing & Maintaining Activities				
				Confused or requires prompts about where, how or when to begin Assignment
				Does not know how to initiate or maintain conversation (walks away, etc.)
				Confused or agitated when moving from one activity, place, or group to another
				Stops mid-task (math problem, worksheets, story, or conversation)
				Unable to stop (perseverates on) inappropriate strategies, topics, or Behaviors
				Gives up quickly on challenging tasks

Module IV: Returning to School

Not at all	Occas	Often	Very Severe	
C. Taking in and Retaining Information				
				Forgets things that happened even the same day
				Problems learning new concepts, facts, or information
				Cannot remember simple instructions or rules
				Forgets classroom materials, assignments, and deadlines
				Forgets information learned from day to day (does well on quizzes, but fails tests covering several weeks of learning)
D. Language Comprehension & Expression				
				Confused with idioms ("climbing the walls") or slang
				Unable to recall word meaning or altered meaning (homonym or homographs)
				Unable to comprehend or breakdown instructions with request
				Difficulty understanding "Wh" questions
				Difficulty understanding complex or lengthy discussion
				Processes information at a slow pace
				Difficulty finding specific words (may describe but not label)
				Stammers or slurs words
				Difficulty fluently expressing ideas (speech disjointed, stops midsentence)
E. Visual-Perceptual Processing				
				Cannot track when reading, skips problems, or neglects a portion of a page of written material
				Orients body or materials in unusual positions when reading or Writing
				Gets lost in halls and cannot follow maps or graphs
				Shows left-right confusion
F. Visual-Motor Skills				
				Difficulty copying information from board
				Difficulty with note-taking
				Difficulty with letter formation or spacing
				Slow, inefficient motor output
				Poor motor dexterity (cutting, drawing)

Module IV: Returning to School

Not at all	Occas	Often	Very Severe	
G. Sequential Processing				
				Difficulty with sequential steps of task (getting out materials, turning to page, starting an assignment)
				Confuses the sequence of events or other time-related concepts
H. Problem-Solving, Reasoning & Generalization				
				Fails to consider alternatives when first attempt fails
				Does not use compensatory strategies (outlining or underlining)
				Problems understanding abstract concepts (color, emotions, math and science)
				Confusion with cause-effect relationships
				Unable to categorize (size, species)
				Problems making inferences or drawing conclusions
				Can state facts, but cannot integrate or synthesize information
				Difficulty applying what they know in different or new situations
I. Organizational and Planning Skills				
				Difficulty breaking down complex tasks (term papers, projects)
				Problems organizing materials
				Problems distinguishing between important and unimportant information
				Difficulty following through with and monitoring plans
				Sets unrealistic goals
J. Impulse or Self-Control				
				Blurts out in class
				Makes unrelated statements or responses
				Acts without thinking (leaves class, throws things, sets off alarms)
				Displays dangerous behavior (runs into street, plays with fire, drives unsafely)
				Disturbs other pupils
				Makes inappropriate or offensive remarks
				Shows compulsive habits (masturbation, nail biting, tapping)
				Hyperactive, out-of-seat behavior

Module IV: Returning to School

Not at all	Occas	Often	Very Severe	
K. Social Adjustment & Awareness				
				Acts immature for age
				Too dependent on adults
				Too bossy or submissive with peers
				Peculiar manners and mannerisms (stands too close, interrupts, unusually loud, poor hygiene)
				Fails to understand social humor
				Fails to correctly interpret nonverbal social cues
				Difficulty understanding the feelings and perspective of others
				Does not understand strengths, weaknesses and self presentation
				Denies any problems or changes resulting from injury
L. Emotional Adjustment				
				Easily frustrated by tasks or if demands not immediately met
				Becomes argumentative, aggressive, or destructive with little Provocation
				Cries or laughs too easily
				Feels worthless or inferior
				Withdrawn, does not get involved with others
				Becomes angry or defensive when confronted with changes resulting from injury
				Apathetic and disinterested in friends or activities
				Makes constant inappropriate sexual comments and gesture
				Unhappy or depressed affect
				Nervous, self-conscious, or anxious behavior
M. Sensorimotor Skills				
				Identified problems with smell, taste, touch, hearing or vision
				Problems discriminating sound or hearing against background noise
				Problems with visual acuity, blurring or tracking
				Problems with tactile sensitivity (e.g., cannot type or play an instrument without watching hands)
				Identified problems with oromotor (e.g., swallowing), fine motor or gross motor skills
				Poor sense of body in space (loses balance, negotiating obstacles)
				Motor paralysis or weakness of one or both sides
				Motor rigidity (limited range of motion), spasticity (contractions) and ataxia (erratic movements) circle one
				Impaired dexterity (cutting, writing) or hand tremors
				Difficulty with skilled motor activities (dressing, eating)

(Waaland and Bohannon (1992); Reprinted from Guidelines for Educational Services for Students with Traumatic Brain Injury (Virginia))

Module IV: Returning to School

TRAUMATIC BRAIN INJURY EVALUATION PLANNING

Student: _____ **Grade:** _____ **Date of Injury:** _____
School: _____ **Current Date:** _____

This worksheet is intended to help educators

1) Identify the types of information to gather when planning an evaluation of a student with a brain injury.

2) Be aware of the major issues they need to address before a student with a brain injury returns to school.

I. Brain injury information. *Note available information about the injury.*

A. Type of injury *(e.g., internal or external cause, congenital/birth trauma, open or closed)*

B. Location of injury

C. Coma information (if applicable) *(e.g., duration, GCS score)*

D. Post-traumatic amnesia (if applicable)

II. Summary of student functioning prior to brain injury

III. Areas of current functioning to examine *Describe the student's functioning in the areas listed below. Do you have enough information to determine whether limitations exist in these areas? If not, what additional information do you need?*

A. Cognition *(such as memory, attention, reasoning, abstract thinking, judgment, problem solving, information processing, executive functions)*

B. Speech and language/ communication

Module IV: Returning to School

C. Sensory and perceptual abilities

D. Motor abilities

E. Psychosocial impairments

F. Physical/health/safety (e.g., self-care abilities, medical/physical needs)

G. Academic skills

IV. What information have the parents provided?

V. What are the MAJOR issues you think you will need to address in preparing for the student's return to school?

Module IV: Returning to School

ARTICLE 7: RULE 40. IDENTIFICATION AND EVALUATION

511 IAC 7-40-3 Educational evaluations; in general

Sec. 3. (a) This rule applies to educational evaluation procedures that enable a student's CCC to determine:

- (1) whether the student is eligible for special education and related services; and
- (2) if eligible, the special education and related services necessary to meet the educational needs of the student.

(b) These procedures do not apply to the following:

- (1) A test or other evaluation that is administered to all students unless, before administration of the test or evaluation, consent is required from parents of all students.
- (2) A screening of students by a teacher or a specialist to determine appropriate instructional strategies for curriculum implementation.
- (3) A review of existing data regarding a student.
- (4) The collection of progress monitoring data when a student participates in a process that assesses the student's response to scientific, research based interventions described in section 2 of this rule.

(c) The public agency shall establish, maintain, and implement written procedures regarding initial evaluations and reevaluations, including a description of the following:

- (1) The way in which a parent or the public agency may request an initial educational evaluation.
- (2) The methods used to assign a multidisciplinary team to conduct educational evaluations.
- (3) The procedures used for reevaluations.

(d) When referrals for any student from birth through the school year in which the student becomes twenty-two (22) years of age are made directly to the Indiana School for the Deaf, the Indiana School for the Blind and Visually Impaired, the Indiana Soldiers' and Sailors' Children's Home, or any other state operated school by other than the designated representative of the student's public school corporation of legal settlement, the following procedures shall be implemented:

- (1) The state-operated school shall refer the person making the contact back to the public school corporation of legal settlement.
- (2) The referral, evaluation, and CCC meeting described in section 4 of this rule shall be the responsibility of the public school corporation of legal settlement.

(e) The public agency must establish, maintain, and implement procedures to ensure the following:

(1) Assessments and other evaluation materials are as follows:

(A) Provided and administered in the:

- (i) student's native language or other mode of communication; and
- (ii) form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so.

(B) Selected and administered so as not to be discriminatory on a racial or cultural basis.

(C) Used for the purposes for which the assessments or measures are valid and reliable.

(D) Administered as follows:

- (i) By trained and knowledgeable personnel.
- (ii) In accordance with any instructions provided by the producer of the assessments.

(E) Technically sound instruments that may assess the relative contributions of cognitive and behavioral factors, in addition to physical or developmental factors.

(2) Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those designed to provide a single general intelligence quotient.

(3) Assessments are selected and administered so as best to ensure that if an assessment is administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level, or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills, unless those skills are the factors that the test purports to measure.

Module IV: Returning to School

4) The student is assessed or information is collected in all areas related to the suspected disability, including, if appropriate, the following:

- (A) Development.
- (B) Cognition.
- (C) Academic achievement.
- (D) Functional performance or adaptive behavior.
- (E) Communication skills.
- (F) Motor and sensory abilities, including vision or hearing.
- (G) Available educationally relevant medical or mental health information.
- (H) Social and developmental history.

(5) Assessments of students with disabilities who transfer from one (1) public agency to another public agency in the same school year are coordinated with those students' prior and subsequent schools, as necessary and as expeditiously as possible, consistent with section 5(c)(2) of this rule, to ensure prompt completion of full evaluations.

(6) Assessment tools and strategies provide relevant information that directly assists the CCC in determining the special education and related service needs of the student.

(7) Educational evaluations are sufficiently comprehensive to identify all of the student's special education and related service needs whether or not commonly linked to the disability category in which the student has been classified.

(f) In conducting the educational evaluation, the multidisciplinary team must use a variety of assessment tools and strategies, as required in 511 IAC 7-41, to gather relevant functional, developmental, and academic information about the student, including information provided by the parent, to assist the CCC in determining the following:

- (1) Whether the student is eligible for special education and related services.
- (2) The content of the student's individual educational program, including information related to enabling the student to be involved in and progress in the general education curriculum (or for an early childhood student, to participate in appropriate activities).

(g) The public agency must evaluate a student with a disability in accordance with the requirements of this rule and 511 IAC 7-41 before a CCC can determine that the student is no longer a student with a disability, except when termination of the student's eligibility is due to:

- (1) graduation with a high school diploma as defined in 511 IAC 6-7.1-1(e); or
- (2) exceeding the age eligibility under this article.

(h) The public agency must provide the student with a summary of performance, as required in 511 IAC 7-43-7, under any of the following circumstances:

- (1) A student graduates with a high school diploma as defined in 511 IAC 6-7.1-1.
- (2) A student leaves high school with a certificate of completion.
- (3) A student exceeds the age eligibility for special education and related services under this article.

(i) A public agency may provide a student with a summary of performance when the:

- (1) student withdraws from high school after an exit interview is conducted; and
 - (2) student's parent and principal consent to the withdrawal;
- as specified in IC 20-33-2-28.5(b).

511 IAC 7-40-4 Initial educational evaluation; public agency written notice and parental consent

Sec. 4. (a) Either a parent of a student or a public agency may initiate a request for an educational evaluation to determine if a student is eligible for special education and related services under this article.

Module IV: Returning to School

(b) If a student is suspected of having a specific learning disability because the student has not made adequate progress after an appropriate period of time when provided with appropriate instruction described in 511 IAC 7-41-12(a)(3)(G), the public agency must initiate a request for an educational evaluation.

(c) If a request is made to conduct an educational evaluation, the public agency must, before conducting the evaluation, do the following:

- (1) Provide the parent of the student with written notice as specified in subsection (e).
- (2) Obtain parental consent as defined in 511 IAC 7-32-17.

(d) A parent's request for an evaluation must be made to licensed personnel, which is defined in 511 IAC 7-32-58 to mean persons employed by the public agency who are:

- (1) teachers;
- (2) school counselors;
- (3) school psychologists;
- (4) school social workers;
- (5) building principals; and
- (6) other administrators.

A parent's request for an evaluation may be made verbally or in writing. After a parent makes a request, the public agency has ten (10) instructional days to provide the parent with written notice as specified in subsection (e).

(e) Written notice provided to the parent regarding an educational evaluation must include the following:

(1) A statement that the public agency is proposing or refusing to conduct the educational evaluation that includes a description of each:

- (A) evaluation procedure;
- (B) assessment;
- (C) record; or
- (D) report;

the public agency used as a basis for proposing or refusing to conduct the educational evaluation.

(2) A description of other factors relevant to the public agency's proposal or refusal to conduct the educational evaluation.

(3) If the public agency:

- (A) is proposing to conduct the educational evaluation, a description of any evaluation procedures the agency proposes to conduct; or
- (B) refuses to conduct the educational evaluation, an explanation of the parent's right to contest the agency's decision by requesting:
 - (i) mediation in 511 IAC 7-45-2; or
 - (ii) a due process hearing in 511 IAC 7-45-3.

(4) If a public agency is proposing to conduct an educational evaluation, the following:

- (A) The timeline for conducting the educational evaluation and convening the CCC meeting.
- (B) An explanation of how to request one (1) or both of the following:
 - (i) A copy of the educational evaluation report, at no cost to the parent, prior to the CCC meeting.
 - (ii) A meeting with an individual who can explain the results of the educational evaluation prior to the CCC meeting.

(5) A statement that a parent of a student with a disability has protection under the procedural safeguards described in 511 IAC 7-37-1. A copy of the notice of procedural safeguards must be provided to the parent with the written notice described in this section.

(6) A list of sources for parents to contact to obtain assistance with understanding the provisions of this article.

Module IV: Returning to School

(f) The written notice required under subsection (e) must be as follows:

- (1) Written in language understandable to the general public.
- (2) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the public agency must take steps to ensure that:
 - (A) the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;
 - (B) the parent understands the content of the notice; and
 - (C) there is written evidence that the requirements in clauses (A) and (B) have been met.

(g) A parent may challenge the public agency's refusal to conduct an initial evaluation by requesting:

- (1) mediation in 511 IAC 7-45-2; or
- (2) a due process hearing in 511 IAC 7-45-3.

(h) After receiving the written notice described in subsections (e) and (f), the parent of the student must provide consent, as defined in 511 IAC 7-32-17, to licensed personnel before the public agency can conduct the initial educational evaluation. The parent may also, at the same time the parent provides consent for the educational evaluation, request one (1) or both of the following:

- (1) A copy of the educational evaluation report, at no cost to the parent, prior to the CCC meeting.
- (2) A meeting with an individual who can explain the results of the educational evaluation prior to the CCC meeting.

(i) Parental consent is not required for the following:

- (1) To review existing data as part of an educational evaluation.
- (2) To administer a test or other evaluation that is administered to all students unless, before administration of the test or evaluation, consent is required from parents of all students.
- (3) To screen students if a teacher or a specialist is using the information to determine appropriate instructional strategies for curriculum implementation.
- (4) To collect progress monitoring data when a student participates in a process that assesses the student's response to scientific, research based interventions as described in section 2 of this rule.

(j) The public agency must make reasonable efforts to obtain parental consent, as defined in 511 IAC 7-32-17, for the initial educational evaluation. To document reasonable efforts, the public agency must keep a record of its attempts to obtain parental consent, including the following:

- (1) Detailed records of:
 - (A) telephone calls made or attempted; and
 - (B) the results of the calls.
- (2) Copies of:
 - (A) correspondence sent to the parent; and
 - (B) any responses received.
- (3) Detailed records of:
 - (A) visits made to the parent's home or place of employment; and
 - (B) the results of those visits.

(k) Parental consent for an initial educational evaluation must not be construed as consent for initial provision of special education and related services.

(l) For initial educational evaluations only, if the student is a ward of the state and is not residing with the student's parent, the public agency is not required to obtain consent as defined in 511 IAC 7-32-17, from the parent for an initial evaluation to determine whether the student is a student with a disability if:

- (1) despite reasonable efforts to do so, the public agency cannot discover the whereabouts of the parent of the student;
- (2) the rights of the parents of the student have been terminated in accordance with state law; or

Module IV: Returning to School

(3) the rights of the parent to make educational decisions have been subrogated by a judge in accordance with state law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the student.

(m) If the parent of a student enrolled in public school or seeking to be enrolled in public school does not provide consent for an initial educational evaluation under subsection (i), or the parent fails to respond to a request to provide consent, the public agency may, but is not required to, pursue the initial educational evaluation of the student by:

- (1) utilizing mediation in 511 IAC 7-45-2; or
- (2) requesting a due process hearing in 511 IAC 7-45-3.

The public agency does not violate its obligations under this rule if it declines to pursue the educational evaluation.

(n) If a parent of a student who is parentally-placed in a nonpublic school, including a home school, does not provide consent for the initial evaluation or the reevaluation, or the parent fails to respond to a public agency's efforts to obtain consent, the public agency:

- (1) may not pursue the initial educational evaluation of the student by:
 - (A) utilizing mediation in 511 IAC 7-45-2; or
 - (B) requesting a due process hearing in 511 IAC 7-45-3; and
- (2) is not required to consider the student as eligible for special education and related services under 511 IAC 7-34.

511 IAC 7-40-5 Conducting an initial educational evaluation

Sec. 5. (a) After a parent has provided consent, as defined in 511 IAC 7-32-17, for an initial educational evaluation, the public agency must conduct a comprehensive and individual educational evaluation in accordance with the requirements of this rule and 511 IAC 7-41. The educational evaluation must be conducted by a multidisciplinary team that prepares an educational evaluation report addressing the necessary components of evaluation specific to each suspected disability set forth in 511 IAC 7-41. The report is utilized:

- (1) by the student's CCC to determine eligibility for special education and related services; and
- (2) if a student is found to be eligible, to inform the student's CCC of the student's special education and related service needs.

(b) The educational evaluation must be conducted by a multidisciplinary team, which is a group of qualified professionals who conduct a student's educational evaluation with input from the student's parent. The qualified professionals include, but are not limited to, the following:

- (1) At least one (1) teacher licensed in, or other specialist with knowledge in, the area of suspected disability.
- (2) A school psychologist, except for a student with a suspected:
 - (A) developmental delay, in which case the multidisciplinary team shall be at least two (2) qualified professionals from different disciplines based upon the needs of the student;
 - (B) language impairment, a speech-language pathologist and at least one (1) qualified professional from a different discipline based upon the needs of the student; or
 - (C) speech impairment only, a speech-language pathologist may serve as the sole qualified professional on the multidisciplinary team.
- (3) For a student with a suspected specific learning disability, the following:
 - (A) The student's general education teacher or, if the student does not have a general education teacher, a general education teacher qualified to teach students of the same age.
 - (B) For early childhood students, an individual who holds an appropriate license to teach early childhood special education.

Module IV: Returning to School

(4) For a student who:

- (A) is blind or has low vision;
- (B) is deaf or hard of hearing; or
- (C) has suspected multiple disabilities;

the public agency may request that representatives of the state-operated schools serve as part of the multidisciplinary team only if the parent has provided written consent, in addition to the written consent to conduct the initial educational evaluation, for the representative's participation in the educational evaluation.

(c) As part of the educational evaluation, the multidisciplinary team must, with or without a meeting, do the following:

(1) Review existing evaluation data on the student, including the following:

- (A) Evaluations and information provided by the parents of the student.
- (B) Current classroom, local, and state assessments.
- (C) Classroom based observations and observations by teachers and related services providers.

(2) On the basis of that review, and input from the student's parents, identify the following:

- (A) The suspected disability or disabilities.
- (B) Any additional data, as described in 511 IAC 7-41, that is required for the student's CCC to determine:
 - (i) eligibility for special education; and
 - (ii) the special education and related service needs of the student.

(3) Obtain information for the CCC to use in making determinations under section 6(b)(1) of this rule.

(d) The initial educational evaluation must be conducted and the CCC convened within fifty (50) instructional days of the date the written parental consent is received by licensed personnel in accordance with section 4(h) of this rule. The time frame does not apply in the following situations:

(1) When a student has participated in a process that assesses the student's response to scientific, research based interventions described in section 2 of this rule, in which case the time frame is twenty (20) instructional days.

(2) When a child is transitioning from early intervention (Part C) to early childhood special education (Part B), in which case the evaluation must be completed and the CCC convened to ensure that the child receives special education services by his or her third birthday.

(3) When the parent of a student repeatedly fails or refuses to produce the student for the evaluation.

(4) When a student enrolls in a school of another public agency after the relevant time frame in subsection (a) has begun, and prior to completion of the evaluation, if the:

- (A) subsequent public agency is making sufficient progress to ensure a prompt completion of the evaluation; and
- (B) parent and subsequent public agency agree to a specific time when the evaluation will be completed.

(e) After an educational evaluation has been completed, the multidisciplinary team must compile the findings of the multidisciplinary team into an educational evaluation report.

(f) For a student with the suspected disability of autism spectrum disorder, the educational evaluation report must include the results of the multidisciplinary team's assessments, observations, and collection of information as aligned to the characteristics of autism spectrum disorder.

(g) For a student with a suspected learning disability, the educational evaluation report must include the following:

(1) For a student who has participated in a process that assesses the student's response to scientific, research based interventions:

- (A) documentation of previous parent notification about:
 - (i) the:

Module IV: Returning to School

- (AA) amount and nature of the student performance data that would be collected; and
 - (BB) general education services that would be provided;
 - (ii) strategies for increasing the student's rate of learning; and
 - (iii) the parent's right to request an educational evaluation to determine eligibility for special education and related services; and
- (B) the:
- (i) instructional strategies used; and
 - (ii) student centered data collected.
- (2) A synthesis of the required educational evaluation components in 511 IAC 7-41-12 in relationship to the following:
- (A) Whether the student:
- (i) does not achieve adequately for the student's age or to meet state grade level standards in one (1) or more of the areas identified in 511 IAC 7-41-12(a)(1) when provided with learning experiences and instruction appropriate for the student's age or state grade level standards; and
 - (ii) meets either of the following criteria:
 - (AA) The student does not make sufficient progress to meet age or state grade level standards in one (1) or more of the areas identified in 511 IAC 7-41-12(a)(1) when using a process based on the student's response to scientific, research based intervention.
 - (BB) The student exhibits a pattern of strengths and weaknesses in performance or achievement, or both, relative to age, state grade level standards, or intellectual development, that is determined by the multidisciplinary team to be relevant to the identification of a specific learning disability. The multidisciplinary team is prohibited from using a severe discrepancy between academic achievement and global cognitive functioning to meet this requirement.
- (B) The effects of any of the following factors on the student's achievement:
- (i) Visual, hearing, or motor disability.
 - (ii) Cognitive disability.
 - (iii) Emotional disturbance.
 - (iv) Cultural factors.
 - (v) Environmental or economic disadvantage.
 - (vi) Limited English proficiency.
- (C) Whether the multidisciplinary team believes the student has a specific learning disability and the basis for having that opinion. The opinion of the multidisciplinary team is utilized by the CCC to determine whether the student is eligible for special education. Each member of the multidisciplinary team must certify in writing whether the educational evaluation report reflects the member's opinion. If the report does not reflect the member's opinion, the member must submit a separate statement presenting the member's opinion.
- (h) If a parent requests, under section 4(h)(1) of this rule, a copy of the educational evaluation report prior to the CCC meeting, the public agency must ensure that a copy of the educational evaluation report is made available at no cost to the parent not less than five (5) instructional days prior to the scheduled CCC meeting.
- (i) If a parent requests, under section 4(h)(2) of this rule, a meeting to have the results of the educational evaluation explained prior to the scheduled CCC meeting, the public agency must arrange a meeting with the parent and an individual who can explain the evaluation results within five (5) instructional days prior to the scheduled CCC meeting. The meeting shall be scheduled at a mutually agreed upon date, time, and place. A copy of the educational evaluation report must be provided at no cost to and reviewed with the parent at this meeting.
- (j) If the parent does not request a:
- (1) copy of the educational evaluation report; or

Module IV: Returning to School

(2) meeting to explain the evaluation; prior to the initial CCC meeting, the public agency must provide a copy of the educational evaluation report at no cost to the parent at the CCC meeting. If the student is parentally-placed in a nonpublic school, the public agency shall also provide a copy of the educational evaluation report at no cost to the nonpublic school representative.

511 IAC 7-40-6 Determination of eligibility

Sec. 6. (a) Upon completion of the educational evaluation, the CCC must be convened to determine the following:

(1) Whether the student is eligible for special education and related services.

(2) If eligible, the special education and related services necessary to meet the educational needs of the student.

(b) The CCC must not determine that a student is eligible for special education and related services under this article if:

(1) the determinant factor is:

(A) lack of appropriate instruction in reading, including the essential components of reading instruction, which means explicit and systematic instruction in:

(i) phonemic awareness;

(ii) phonics;

(iii) vocabulary development;

(iv) reading fluency, including oral reading skills; and

(v) reading comprehension strategies;

(B) lack of appropriate instruction in math; or

(C) limited English proficiency; and

(2) a student does not otherwise meet the eligibility criteria under this rule and 511 IAC 7-41.

(c) When determining eligibility for special education and related services, the CCC must:

(1) consider all of the information contained in the educational evaluation report; and

(2) not rely on any single measure or assessment as the sole criterion for determining eligibility or appropriate educational services.

(d) If the CCC determines that the student only needs a related service, but not special education, the CCC must not determine that the student is eligible for services under this article.

(e) If a determination is made that a student is eligible for special education and related services, an IEP that meets the special education and related service needs of the student must be developed in accordance with 511 IAC 7-42.

511 IAC 7-40-7 Independent educational evaluation

Sec. 7. (a) The public agency shall provide to parents, upon request for an independent educational evaluation:

(1) information about where an independent educational evaluation may be obtained; and

(2) the public agency's criteria applicable to independent educational evaluations as described in subsection (h). "Independent educational evaluation" means an evaluation conducted by a qualified evaluator who is not employed by the public agency responsible for the student in question.

Module IV: Returning to School

(b) A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation conducted by the public agency, subject to the provisions of subsection (c). "Public expense" means that the public agency either:

- (1) pays for the full cost of the evaluation; or
- (2) ensures that the evaluation is otherwise provided at no cost to the parent.

(c) Upon a parent's request for an independent educational evaluation at public expense, the public agency must take one (1) of the following actions within ten (10) business days of the date of the public agency's receipt of the parent's request:

- (1) Initiate a due process hearing to show its educational evaluation is appropriate.
- (2) Notify the parent in writing that the independent educational evaluation will be at public expense.

(d) The public agency may ask the parent why the parent objects to the public agency's evaluation. However, the public agency may not:

- (1) require the parent to provide an explanation; or
- (2) unreasonably delay either:
 - (A) providing the independent evaluation at public expense; or
 - (B) initiating a due process hearing;as a result of the parent's response or lack of response.

(e) A student's parents are entitled to only one (1) independent educational evaluation at public expense each time the public agency conducts an educational evaluation with which the parent disagrees.

(f) If the:

- (1) public agency initiates a hearing to determine the appropriateness of its educational evaluation; and
 - (2) hearing officer determines that the evaluation conducted by the public agency is appropriate;
- the parent may still seek an independent evaluation, but at the parent's expense.

(g) If the parent obtains an independent evaluation at public expense or shares with the public agency an independent educational evaluation obtained at the parent's expense, the results of the evaluation:

- (1) must be considered by the public agency, if it meets the public agency's criteria, in any decision made with respect to the provision of a free appropriate public education to the student; and
- (2) may be presented by any party as evidence at a due process hearing regarding the student.

(h) In a due process hearing under 511 IAC 7-45-3 through 511 IAC 7-45-8 on the issue of the public agency's reimbursement of the parent's expense for an independent educational evaluation, an independent hearing officer must not order reimbursement for the evaluation if the hearing officer determines that the evaluation obtained by the parent did not meet the public agency's criteria.

(i) If an independent hearing officer requests an independent educational evaluation as part of a due process hearing, the cost of the evaluation must be at public expense.

(j) If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the:

- (1) location of the evaluation; and
- (2) qualifications of the evaluator; must be the same as the public agency uses when it initiates an educational evaluation, to the extent those criteria are consistent with the parent's right to an independent educational evaluation.

(k) Except for the criteria described in subsection (j), the public agency may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense.

Module IV: Returning to School

511 IAC 7-40-8 Reevaluation

Sec. 8. (a) Once a student is eligible for special education and related services, any subsequent evaluation of the student is reevaluation, even if the student is being evaluated because a different or additional eligibility category is suspected.

(b) A public agency must consider reevaluation for each student receiving special education and related services:

- (1) at least once every three (3) years; however, reevaluation need not occur if the parent and the public agency agrees that it is unnecessary;
- (2) if the public agency determines, at any time during the three (3) year cycle, that additional information is needed to address the special education or related services needs of the student; and
- (3) if the student's parent or teacher requests reevaluation.

(c) The following procedures are not reevaluation:

- (1) A test or other evaluation that is administered to all students unless, before administration of the test or evaluation, consent is required from parents of all students.
- (2) A screening of students by a teacher or a specialist to determine appropriate instructional strategies for curriculum implementation.
- (3) A review of existing data regarding a student.
- (4) The collection of progress monitoring data when a student participates in a process that assesses the student's response to scientific, research based interventions described in section 2 of this rule.

(d) If a CCC determines at an annual CCC meeting that reevaluation is necessary to reestablish eligibility for special education and related services, reevaluation must occur by the next annual CCC meeting. Reevaluation to reestablish eligibility may not occur more than once a year, unless the parent and the public agency agrees otherwise.

(e) If the CCC determines or the parent or teacher requests that a reevaluation be conducted to:

- (1) determine that the student is eligible for special education and related services under a different or additional eligibility category; or
- (2) inform the CCC of the student's needs, such as the student's need for assistive technology or a related service; the reevaluation must occur and the CCC convened within fifty (50) instructional days of the date that written parental consent is received by licensed personnel, in accordance with subsection (i).

(f) Before a public agency can reevaluate a student, or refuse to reevaluate a student, the public agency must provide the student's parent with written notice that includes the following:

- (1) A statement that the public agency is proposing or refusing to reevaluate the student that includes a description of each:
 - (A) evaluation procedure;
 - (B) assessment;
 - (C) record; or
 - (D) report;

the public agency used as a basis for proposing or refusing to reevaluate the student.

- (2) A description of other factors relevant to the public agency's proposal or refusal to reevaluate the student.
- (3) If the public agency:
 - (A) is proposing to reevaluate the student, a description of the reevaluation process; or
 - (B) refuses to reevaluate the student, an explanation of the parent's right to contest the agency's decision by requesting:
 - (i) mediation in 511 IAC 7-45-2; or
 - (ii) a due process hearing in 511 IAC 7-45-3.

Module IV: Returning to School

(4) If a public agency is proposing to reevaluate the student, the timeline for conducting the reevaluation and convening the CCC meeting.

(5) A statement that a parent of a student with a disability has protection under the procedural safeguards described in 511 IAC 7-37-1, including information regarding how a copy of the written notice of procedural safeguards can be obtained.

(6) A list of sources for parents to contact to obtain assistance with understanding the provisions of this article.

(g) The written notice required under subsection (f) must meet the requirements of section 4(f) of this rule.

(h) A parent may challenge the public agency's refusal to reevaluate the student by requesting:

- (1) mediation in 511 IAC 7-45-2; or
- (2) a due process hearing in 511 IAC 7-45-3.

(i) If the public agency proposes to reevaluate the student in the written notice described in subsections (f) and (g), the parent of the student must provide consent, as defined in 511 IAC 7-32-17, to licensed personnel before the public agency can reevaluate the student.

(j) If the parent refuses to consent to reevaluation, the public agency may, but is not required to, pursue reevaluation by requesting:

- (1) mediation in 511 IAC 7-45-2; or
- (2) a due process hearing in 511 IAC 7-45-3.

The public agency does not violate its obligation to reevaluate the student if it declines to request mediation or a due process hearing.

(k) Parental consent for reevaluation does not need to be obtained if the public agency makes reasonable efforts to obtain consent and the parent fails to respond. To document reasonable efforts, the public agency must keep a record of its attempts to obtain parental consent, including the following:

- (1) Detailed records of:
 - (A) telephone calls made or attempted; and
 - (B) the results of the calls.
- (2) Copies of:
 - (A) correspondence sent to the parent; and
 - (B) any responses received.
- (3) Detailed records of:
 - (A) visits made to the parent's home or place of employment; and
 - (B) the results of those visits.

(l) After a parent consents to reevaluation, or fails to respond to a request for consent under subsection (k), the CCC and other qualified professionals, as appropriate, must do the following:

- (1) Review existing evaluation data on the student, including the following:
 - (A) Evaluations and information provided by the parents of the student.
 - (B) Current classroom based, local, or state assessments, and classroom based observations.
 - (C) Observations of teachers and related services providers.
- (2) On the basis of that review, and input from the student's parent, identify what additional data, if any, are needed to determine the following:
 - (A) Whether the student continues to have a disability as described in 511 IAC 7-41 and the special education and related service needs of the student.
 - (B) The present levels of academic achievement and functional performance and related developmental needs of the student.

Module IV: Returning to School

- (C) Whether the student continues to need special education and related services.
- (D) Whether any additions or modifications to the special education and related services are needed to:

- (i) enable the student to meet the measurable annual goals set out in the student's IEP;
and
- (ii) participate, as appropriate, in the general education curriculum.

(m) The review described in subsection (l) may be conducted without a meeting.

(n) If the CCC and other qualified professionals, as appropriate, after reviewing existing evaluation data as described in subsection (l), determine that no additional data are needed to determine whether the student continues to be eligible for special education and to determine the student's special education and related service needs, the public agency must do the following:

(1) Notify the parent of the following:

- (A) The determination and the reasons for the determination.
- (B) The right to request an assessment to determine the following:
 - (i) Whether the student continues to be eligible for special education.
 - (ii) The student's special education and related service needs.

(2) Not be required to conduct such an assessment unless requested to by the student's parent.

(o) If the CCC and other qualified professionals, as appropriate, after reviewing existing evaluation data as described in subsection (l), determine that additional data are needed, the public agency must administer such assessments and other evaluation measures as may be needed to produce the data identified under subsection (l).