

Education Regulations

Regulation # 91-40-10

Chapter 91:

KSBE Regulations

Article 40:

Special Education

Title:

Eligibility determination.

Text:

(a) (1) After completion of appropriate evaluation procedures, a team of qualified professionals and the parent of the child who has been evaluated shall prepare a written evaluation report that includes a statement regarding each of the following matters: (A) The determination of whether the child has an exceptionality; (B) the basis for making the determination; (C) the relevant behavior noted during the observation of the child; (D) the relationship of that behavior to the child's academic functioning; (E) educationally relevant medical findings, if any; and (F)(i) If the child was evaluated for a specific learning disability, the determination of whether there is a severe discrepancy between achievement and ability that is not correctable without special education and related services; and ii) the determination of the team concerning the effects of environmental, cultural, or economic disadvantage. on the child's achievement. (2) Each team member shall certify in writing whether the report reflects the member's conclusion. If it does not reflect that member's conclusion, the team member may submit a separate statement presenting the member's conclusion. (b) Each agency shall provide, at no cost, a copy of the evaluation report to the child's parent. (c) An evaluation team shall not determine a child to be an exceptional child if the determinant factor for that eligibility determination is the child's lack of instruction in reading or mathematics or limited English proficiency, and if the child does not otherwise qualify as a child with an exceptionality. (d) Each evaluation team, in determining whether a child is an exceptional child and what the educational needs of the child are, shall meet the following requirements: (1) The evaluation team shall draw upon information from a variety of sources, including the following: (A) Aptitude and achievement tests; (B) parent input; (C) teacher recommendations; (D) physical condition; (E) social or cultural background; and (F) adaptive behavior. (2) The evaluation team shall ensure that the information obtained from all of the sources specified in paragraph (1) of this subsection is documented and considered. (e)(1) Except as provided in paragraph (2) of this subsection, after a child has been determined to be a child with an exceptionality and has been provided special education or related services, an agency shall conduct a reevaluation of the child before terminating special education or related services to the child. (2) An agency shall not be required to conduct a reevaluation of a child with an exceptionality before terminating special education or related services to the child if the reason for termination of services is due to either of the following: (A) The child has graduated from high school with a regular high school diploma. (B) The child has reached the age of 21 years. (f) An agency shall not be required to classify children with disabilities according to their categories of disabilities if each child with a disability is regarded as a child with a disability and is provided FAPE. (g) With regard to children ages three through five who are determined to need special education and related services, an agency shall use the term "early childhood disability" and either one or more of the

categories of disabilities described in the definition of the term "child with a disability" or the term "developmental delay." (h) With regard to children ages six through nine who are determined to need special education and related services, an agency may elect to use the term "developmental delay" or one or more of the categories of disabilities described in the definition of the term "child with a disability." (Authorized by K.S.A. 2000 Supp. 72-963; implementing K.S.A. 2000 Supp. 72-986; effective May 19, 2000; amended May 4, 2001.)

Number of Regulations Found: 1

End of Report
