

**Table A1. Comparison of IDEA Part B and Part H with regard to Evaluation and Assessment**

<p align="center"><b>IDEA 34 CFR §300.322 OF PART H INFANT TODDLER, BIRTH THROUGH TWO YEARS</b></p>	<p align="center"><b>IDEA 34 CFR §300.530 OF PART B PRESCHOOL THREE THROUGH FIVE YEARS</b></p>
<p><b>§303.322 Evaluation and assessment.</b></p> <p>(a) <u>General.</u>                      (1) Each system must include the performance of a timely, comprehensive, multidisciplinary evaluation of each child, birth through age two, referred for evaluation, including assessment activities related to the child and the child's family.                      (2) The lead agency shall be responsible for ensuring that the requirements of this section are implemented by all affected public agencies and service providers in the State.</p> <p>(b) <u>Definitions of evaluation and assessment.</u> As used in this part --                      (1) "Evaluation" means the procedures used by appropriate qualified personnel to determine a child's initial and continuing eligibility under this part, consistent with the definition of "infants and toddlers with disabilities" in §303.16, including determining the status of the child in each of the developmental areas in paragraph (c)(3)(ii) of this section.                      (2) "Assessment" means the ongoing procedures used by appropriate qualified personnel throughout the period of a child's eligibility under this part to identify --                      (i) The child's unique strengths and needs and the services appropriate to meet those needs; and                      (ii) The resources, priorities, and concerns of the family and the supports and services necessary to enhance the family's capacity to meet the developmental needs of their infant or toddler with a disability.</p> <p>(c) <u>Evaluation and assessment of the child.</u> The evaluation and assessment of each child must --                      (1) Be conducted by personnel trained to utilize appropriate methods and procedures;                      (2) Be based on informed clinical opinion; and                      (3) Include the following:                      (i) A review of pertinent records related to the child's current health status and medical history.                      (ii) An evaluation of the child's level of functioning in each of the following developmental areas:                      (A) Cognitive development.                      (B) Physical development, including vision and hearing.                      (C) Communication development.                      (D) Social or emotional development.                      (E) Adaptive development.                      (iii) An assessment of the unique needs of the child in terms of each of the developmental areas in paragraph (c)(3)(ii) of this section, including the identification of services appropriate to meet those needs.</p> <p>(d) <u>Family assessment.</u>                      (1) Family assessments under this part must be family-directed and designed to determine the resources, priorities, and concerns of the family related to enhancing the development of the child.                      (2) Any assessment that is conducted must be voluntary on the part of the family.                      (3) If an assessment of the family is carried out, the assessment must --                      (i) Be conducted by personnel trained to utilize appropriate methods and procedures;                      (ii) Be based on information provided by the family through a personal interview; and                      (iii) Incorporate the family's description of its resources, priorities, and concerns related to enhancing the child's development.</p> <p>(e) <u>Timelines.</u>                      (1) Except as provided in paragraph (e)(2) of this section, the evaluation and initial assessment of each child (including the family assessment) must be completed within the 45-day time period required in §303.321(e).                      (2) The lead agency shall develop procedures to ensure that in the event of exceptional circumstances that make it impossible to complete the evaluation and assessment within 45 days (e.g., if a child is ill), public agencies will --                      (i) Document those circumstances; and                      (ii) Develop and implement an interim IFSP, to the extent appropriate and consistent with §303.345(b)(1) and (b)(2). (Approved by the Office of Management and Budget under control number 1820-0550)                      (Authority: 20 U.S.C. 1476(b)(3); 1477(a)(1), (a)(2), (d)(1), and (d)(2))</p> <p>Note: This section combines into one overall requirement the provisions on evaluation and assessment under the following sections of the Act: (1) section 676(b)(3) (timely, comprehensive, multidisciplinary evaluation), and (2) section 677(a)(1) and (2) (multidisciplinary and family-directed assessments).</p> <p>The section also requires that the evaluation-assessment process be broad enough to obtain information required in the IFSP concerning (1) the family's resources, priorities, and concerns related to the development of the child (section 677(d)(2)), and (2) the child's functioning level in each of the five developmental areas (section 677(d)(1)).</p>	<p>Before any action is taken with respect to the initial placement of a child with a disability in a program providing special education and related services, a full and individual evaluation of the child's educational needs must be conducted in accordance with the requirements of §300.532.                      (Authority: 20 U.S.C. 1412(5)(C))</p> <p><b>§300.532 Evaluation procedures.</b></p> <p>State educational agencies and LEAs shall ensure, at a minimum, that:</p> <p>(a) Tests and other evaluation materials --                      (1) Are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so;                      (2) Have been validated for the specific purpose for which they are used; and                      (3) Are administered by trained personnel in conformance with the instructions provided by their producer.                      (b) Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.                      (c) Tests are selected and administered so as best to ensure that when a test is administered to a child with 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 reflecting the child's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).                      (d) No single procedure is used as the sole criterion for determining an appropriate educational program for a child.                      (e) The evaluation is made by a multidisciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of suspected disability.                      (f) The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities. (Authority: 20 U.S.C. 1412(5)(C))</p> <p>Note: Children who have a speech or language impairment as their primary disability may not need a complete battery of assessments (e.g., psychological, physical, or adaptive behavior). However, a qualified speech-language pathologist would (1) evaluate each child with a speech or language impairment using procedures that are appropriate for the diagnosis and appraisal of speech and language impairments, and (2) if necessary, make referrals for additional assessments needed to make an appropriate placement decision.</p> <p><b>§300.533 Placement procedures.</b></p> <p>(a) In interpreting evaluation data and in making placement decisions, each public agency shall --                      (1) Draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior;                      (2) Ensure that information obtained from all of these sources is documented and carefully considered;                      (3) Ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and                      (4) Ensure that the placement decision is made in conformity with the LRE rules in §§300.550-300.554.                      (b) If a determination is made that a child has a disability and needs special education and related services, an IEP must be developed for the child in accordance with §§300.340-300.350.                      (Authority: 20 U.S.C. 1412(5)(C); 1414(a)(5))</p> <p>Note: Paragraph (a)(1) of this section includes a list of examples of sources that may be used by a public agency in making placement decisions. The agency would not have to use all the sources in every instance. The point of the requirement is to ensure that more than one source is used in interpreting evaluation data and in making placement decisions. For example, while all of the named sources would have to be used for a child whose suspected disability is mental retardation, they would not be necessary for certain other children with disabilities, such as a child who has a severe articulation impairment as his primary disability. For such a child, the speech-language pathologist, in complying with the multiple source requirement, might use (1) a standardized test of articulation, and (2) observation of the child's articulation behavior in conversational speech.</p> <p><b>§300.534 Reevaluation.</b></p> <p>Each SEA and LEA shall ensure --                      (a) That the IEP of each child with a disability is reviewed in accordance with §§300.340-300.350; and                      (b) That an evaluation of the child, based on procedures that meet the requirements of §300.532, is conducted every three years, or more frequently if conditions warrant, or if the child's parent or teacher requests an evaluation.                      (Authority: 20 U.S.C. 1412(5)(c))</p>