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# SPECIAL EDUCATION REEVALUATION PROCEDURES

## INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)

- LEGAL REQUIREMENTS
- PRACTICAL APPLICATIONS

### *A Technical Assistance Paper*

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The purpose for the document is to provide an overview of the best practices and legal requirements regarding the reevaluation procedures under the IDEA to make the process more relevant for IEP teams as they approach this issue.

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**UNIVERSITY**

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Special Education  
Reevaluation Procedures

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## AUTHORITY

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The following are federal special education regulations as they relate to the reevaluation process:

- A. INDIVIDUALS WITH DISABILITIES EDUCATION ACT: Amendments of 1997 and code of federal regulations.

### 1. General Requirements

CFR 300.536 Reevaluation

Each school shall ensure—

- (a) That the IEP of each child with a disability is reviewed in accordance with CFR 300.340–300.350.
- (b) That a reevaluation of each child, in accordance with CFR 300.530(b), 300.533, is conducted if conditions warrant a reevaluation, or if the child’s parent or teacher requests a reevaluation, but at least once every three years.

### 2. Parental Consent

CFR 300.505

*(a) General*

- (1) Informed parent consent must be obtained before—
  - (i) Conducting an initial evaluation or **reevaluation**; and
  - (ii) Initial provision of special education and related services to a child with a disability.
- (2) Consent for initial evaluation may not be construed as consent for initial placement.
- (3) Parental consent is not required before—
  - (i) Reviewing existing data as part of an evaluation or a reevaluation; or
  - (ii) Administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children.

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### *(b) Refuse Consent*

If the parents of a child with a disability refuse consent for initial evaluation or a reevaluation, the school may continue to pursue those evaluations by using the due process procedures or the mediation procedures as appropriate, except to the extent inconsistent with State law relating to parental consent.

### *(c) Failure to respond to request for reevaluation*

- (1) Informed parental consent need not be obtained for reevaluation if the school can demonstrate that it has taken reasonable measures to obtain that consent and the child's parent has failed to respond.
- (2) To meet the reasonable measures requirements, the school must use procedures consistent with the regulations.

### *(d) Additional State consent requirements*

In addition to the parental consent requirements, a State may require parental consent for other services and activities if it ensures that each school in the State establishes and implements effective procedures to ensure that a parent's refusal to consent does not result in a failure to provide the child with FAPE.

### *(e) Limitation*

A school may not use a parent's refusal to consent to one service or activity as a reason to deny the parent or child any other service, benefit, or activity of the school, except as required.

## **3. Determination of Needed Evaluation Data**

CFR 300.533

### *(a) Review of existing evaluation data*

As part of an initial evaluation (if appropriate) and as part of any reevaluation, a group that includes the individual described in the regulations, and other qualified professionals, as appropriate, shall

- (1) Review existing evaluation data on the child, including
  - (i) Evaluations and information provided by the parents of the child;
  - (ii) Current classroom-based assessments and observations; and

## *REEVALUATION PROCEDURES*

- (iii) Observations by teachers and related services providers.
- (2) On the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine
  - (i) Whether the child has a particular category of disability, or in case of a reevaluation of a child, whether the child continues to have such a disability;
  - (ii) The present levels of performance and educational needs of the child;
  - (iii) Whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services; and
  - (iv) 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 IEP of the child and to participate, as appropriate, in the general curriculum.

### *(b) Conduct of review*

The team may conduct its review without a meeting.

### *(c) Need for additional data*

The school shall administer tests and other evaluation materials as may be needed to produce the data identified.

### *(d) Requirement as additional data are needed*

- (1) If the determination is that no additional data are needed to determine whether the child continues to be a child with a disability, the school shall notify the child's parents:
  - (i) Of that determination and the reasons for it; and
  - (ii) Of the right of the parents to request an assessment to determine whether, for purposes of services under this part, the child continues to be a child with a disability.
- (2) The school is not required to conduct the assessment unless requested to do so by the child's parents.

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## QUESTIONS/ANSWERS

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### ***When is a student reevaluated?***

At least every three years or when conditions warrant, each student with a disability will be considered for a reevaluation. The evaluation can be conducted more often, if the parents or a teacher make that request.

### ***Why is a student reevaluated?***

A student with a disability is reevaluated to determine:

- ⊕ If the student continues to be an eligible student with a disability.
- ⊕ If the student continues to need special education and related services.
- ⊕ What are the student's present levels of educational performance and educational needs are.
- ⊕ Whether additions or changes need to be made to the special education and related services the student is receiving, to enable the student to meet IEP goals and participate, as appropriate, in the general curriculum.

### ***What happens first?***

- ⊕ The school must notify the student's parents that it intends to reevaluate the student. The school must describe any evaluation procedures it proposes to use.
- ⊕ The IEP team and other qualified professionals look at existing data on the student. This includes evaluations and information provided by the parents, portfolios, current classroom-based assessments and observations, and the observations of teachers and related services providers.
- ⊕ Based on the review of the existing data and input from the parents, the IEP Team identifies what additional data, if any, are needed.
- ⊕ If no additional information is needed, the school will notify the parents of the determination and give them an opportunity to respond.

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## REEVALUATION PROCESS

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It might not be necessary to conduct a comprehensive reevaluation every three years. If the IEP team determines that no additional evaluation data are needed, then the school must notify the parents of that determination, the reasons for the decision, and their right to request an evaluation to determine if the student still has a disability.

**The outcome for the three-year evaluation is to accomplish the following:**

1. Determine if the student's program was implemented properly.
2. Report on how much progress the student has made in three years.
3. Determine if the student's eligibility program and placement are appropriate.
4. Recommend revisions to the educational program.

**The team who meets to plan and conduct the reevaluation includes the individuals listed below:**

- Parents
- Child, if appropriate
- At least one general education teacher
- Special education teacher
- School principal or designee
- Individual(s) who can interpret the instructional implication of the evaluation
- Others, as appropriate

### **Determining if a Reevaluation is Necessary**

If the IEP team and other qualified professionals determine that no additional data is needed to determine if the student continues to have a disability, the school:

- √ Must notify the parents of the determination and the reason for it;
- √ Must notify the parents of their right to request that an assessment be conducted to determine if their child continues to be a student with a disability.

If the IEP team determines more information needs to be gathered:

- √ Parents must provide informed consent to this reevaluation of their child. The school may re-evaluate the student without parents' consent if the school can demonstrate that it took reasonable measures to get parents' consent and parents failed to respond.
- √ The school shall administer such tests and other evaluation procedures as may be needed to produce the data that is needed by the IEP Team.



## *REEVALUATION PROCEDURES*

Evaluation does not necessarily mean standardized tests; the process could include several means of data collection with formal testing being only one approach.

A wealth of information on the student should already be present at the time of the reevaluation. This historical information and teacher/parent input is vital in addressing future eligibility and the effectiveness of the special education program.

It would be inappropriate to administer a standardized IQ test to every student with a disability every three years. A student with a disability should never be required to take unnecessary evaluations, only those having a definite purpose and need. Alternatives to testing become increasingly important as long-term data become available on the student.

### **Possible existing data:**

- Initial evaluation and any interim three-year reevaluation data
- Parental input
- Achievement towards IEP goals and objectives
- Previously used teaching strategies
- General education classroom performance
- General teacher comments/observations
- Functional behavioral assessments
- Previously administered standardized achievement test
- Teacher-made test and work samples
- Information from related service staff
- Results from State or alternate assessments
- Student portfolio information

A review of this historical information gives a perspective for the current evaluation and determines whether the reevaluation will be necessary.

**Factors that influence the reevaluation process**

The school team will outline specific procedures to be followed when gathering reevaluation information. The Individualized Evaluation Program (IEP), formulated during the period of reevaluation will answer questions relating to the presence of a disability and programming decisions. Through sharing and analyzing current data and observations of the student's functioning, the team will determine what additional information is needed.

Maintaining a broad evaluation process remains as critical at the time of a reevaluation as it does at the initial evaluation. If there is a question of a disability other than or in addition to the primary disability, all aspects of functioning must receive attention. These may include the following:

- Health
  - Vision
  - Hearing
  - Social and emotional status
  - Academic performance
  - Communicative status
  - Motor abilities
  - Cognitive ability
- **NON-BIASED EVALUATION:** Throughout the reevaluation process, it is important to identify all factors that may mask ability and cause the student to appear to have a disability.
  - **CULTURE:** To work effectively with students from other cultures, biases must be neutralized, information gathered about other cultures, and stereotypes and biased beliefs discarded.
  - **ENVIRONMENT:** It is important to consider the environmental factors and make accommodations during the reevaluation process so that the student's abilities are measured accurately.
  - **SENSORY:** When assessing a student with motor or sensory impairments, the reevaluation procedures and instruments must consider any sensory limitations.

A written report of the reevaluation should include all aspects that do or do not verify the existence of disability and all new information that requires significant attention in program planning. All components of an initial integrated written evaluation report must be included in each subsequent reevaluation report for the student.

## *REEVALUATION PROCEDURES*

### **IEP Team Discussion Items**

- Discuss the information to determine whether the student continues to have a disability.
- Determine the present levels of educational performance of the student.
- Determine whether the student continues to need special education and related services.
- Determine whether any additions or modifications to the special education and related services are needed to enable the student to meet the annual goals set out in the individualized education program and to participate, as appropriate, in the general education curriculum.
- Document the results on an evaluation summary report.
- Provide a copy of the evaluation report to the parent.

If the reevaluation determines that a student who had been receiving special education services no longer meets the disability criteria under IDEA, the evaluation team needs to determine if services are appropriate under Section 504. It is recommended that students not eligible under IDEA or Section 504 be referred to the School Based Support Team for additional assistance and monitoring.

REEVALUATION PROCEDURES

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INDIVIDUALIZED REEVALUATION PLAN

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Student	Date of Birth	Grade	Reevaluation Due	Current Date

PURPOSE OF REEVALUATION: \_\_\_\_\_

EXISTING DATA: \_\_\_\_\_

REEVALUATION NECESSARY \_\_\_\_\_ YES \_\_\_\_\_ NO (Explain)

CONSIDERATION FOR NON-BIASED TESTING:

Do any of the following areas impact how the student will be reevaluated? If so, check all that apply and address how areas will be assessed within the evaluation procedures section.

- |                        |  |
|------------------------|--|
| _____ Culture          | _____ Economic factors                 |
| _____ Environment      | _____ Sensory (vision, hearing, motor) |
| _____ Poor instruction | _____ Other: _____                     |

If yes, explain: \_\_\_\_\_

*REEVALUATION PROCEDURES*

<b>Reevaluation Questions</b>	<b>Reevaluation Procedures</b>	<b>Person(s) Responsible</b>

**Reevaluation Team Members**

_____	_____
_____	_____
_____	_____

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## REEVALUATION SUMMARY CHECKLIST

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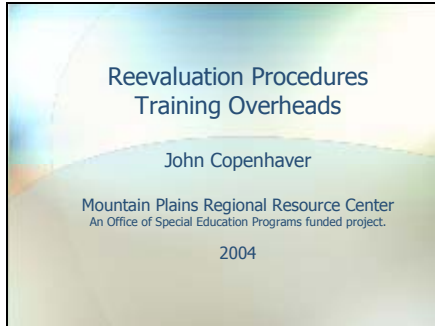
- \_\_\_\_\_ If conditions warrant, the school will conduct a reevaluation for the student at least every three years.
  
- \_\_\_\_\_ Prior notice and written consent are required from the parents before the reevaluation is conducted.
  
- \_\_\_\_\_ The reevaluation process does not necessarily require the administration of formal standardized testing.
  
- \_\_\_\_\_ The reevaluation will include an evaluation of all the areas of suspected disabilities.
  
- \_\_\_\_\_ The same tests administered for initial eligibility do not have to be given, but all areas of initial evaluation should be examined.
  
- \_\_\_\_\_ If areas to be evaluated were not listed in original prior notice, the school must obtain new permission to evaluate for the new areas.
  
- \_\_\_\_\_ Following completion of the reevaluation process, a team meeting is held, including the parents, to determine eligibility.
  
- \_\_\_\_\_ Parents will be notified and involved with the reevaluation, eligibility, and placement decisions.
  
- \_\_\_\_\_ If the current IEP is no longer needed based on the evaluation results, an IEP meeting will be conducted to share those results. Section 504 should be considered as a possible service model if the student still needs some accommodations to be successful in the general classroom.

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## TRAINING OVERHEADS

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Slide 1



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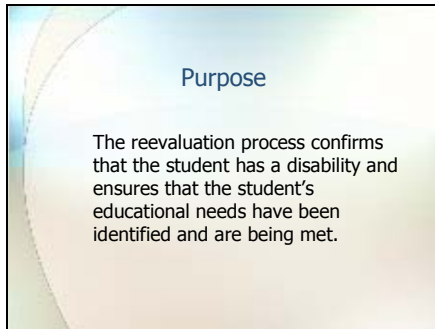
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Slide 2



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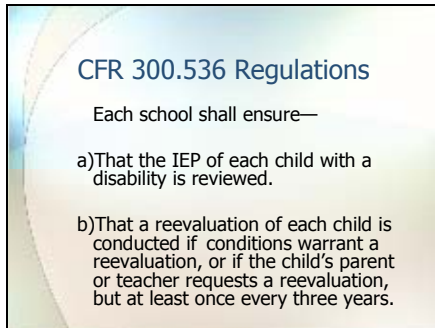
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Slide 3



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*REEVALUATION PROCEDURES*

Slide 4

IDEA

If conditions warrant, the school will conduct a reevaluation for each identified student with a disability at least once every three years.

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Slide 5

IDEA

Prior notice and written consent will be given to the parents before any reevaluations are conducted.

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Slide 6

IDEA

The reevaluation will include a complete evaluation of all the areas of suspected disabilities.

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*REEVALUATION PROCEDURES*

Slide 7

**Process**

A wealth of information on the student should already be present at the time of the reevaluation. This historical information is vital in addressing the effectiveness of the special education program. Formal, standardized testing might not be necessary.

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Slide 8

**Evaluation**

Evaluation does not necessarily mean tests; the process could include several means of data collection with formal testing being only one approach.

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Slide 9

**Re-evaluation Process**

A review of historical information gives a perspective for the reevaluation and determines the manner in which the evaluation will proceed.

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*REEVALUATION PROCEDURES*

Slide 10

Process

The reevaluation begins with the members of the IEP team and may include other personnel based on questions that the team has about the student. The parents should be part of this process.

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Slide 11

Process

A written report of the reevaluation results should include all aspects that verify or fail to verify the determination of disability and all new information that requires significant attention in program planning.

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