

GUIDELINES FOR EVALUATION/REEVALUATION

Reevaluations are to be conducted if conditions warrant a reevaluation or if the child's parent(s) or teacher requests an evaluation, but at least once every 3 years. Additionally, the local educational agency shall evaluate a child with a disability before determining that the child is no longer a child with a disability.

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

- A. review existing evaluation data on the child, including evaluations and information provided by the parents of the child, current classroom-based assessments and observations, and teacher and related services providers observation(s); and
- B. on the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine -
 - 1. whether the child has a particular category of disability, or, in the case of a reevaluation of a child, whether the child continues to have such a disability;
 - 2. the present levels of performance and educational needs of the child;
 - 3. whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services; and
 - 4. whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the individualized education program of the child and to participate, as appropriate, in the general curriculum.

All decisions reached by the IEP Team must be documented on an appropriate conference decision form. Each area that is to be assessed must be clearly specified, and the person(s) responsible must be designated. It is the responsibility of the LEA to ensure that all parental notice requirements are observed.

Informed parental consent also must be obtained for reevaluations, except that such informed consent need not be obtained if the LEA can demonstrate that it has taken reasonable steps to obtain consent and the child's parents have failed to respond.

NOTE: According to the U.S. Department of Education, Office of Special Education Programs, a reasonable effort on behalf of a school district would include some combination of the following: documented phone calls, letters, certified letters with return receipts, and visits to the parents' last known address. The certified letter is a good tool for this process, but it alone is not

sufficient. Experience in the field indicates that many people will not sign for certified mail fearing summons or collection agencies. The return of a certified letter should be followed by a visit to the last known address of the parent. Contact should also be made with neighbors, relatives, and other agencies in an effort to locate the parent. If these attempts are unsuccessful, all efforts should be carefully documented.

In conducting reevaluations, the IEP Team will choose from the following procedures:

- A.** If the IEP Team's decision is to conduct a comprehensive evaluation, all procedural safeguards concerning testing must be observed. In addition, the LEA must use a variety of assessment tools and strategies to gather relevant functional and developmental information, including information provided by the parent, that may assist in determining whether the child is a child with a disability and the content of the child's individualized education program, including information related to enabling the child to be involved in and progress in the general curriculum or, for preschool children, to participate in appropriate activities. Further, the LEA shall use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

- B.** The IDEA Amendments of 1997 suggest that a child should not be subjected to unnecessary tests and assessments if a child's disability has not changed over the three-year period. The LEA must administer such tests and other evaluation materials as are needed to produce the data identified by the IEP Team. However, if there is no need to collect additional information about a child's continuing eligibility for special education, any necessary evaluation activities should focus on collecting information that directly assists persons in determining the educational needs of the child, as well as how to teach and assist the child in the way he or she is most capable of learning.

NOTE: If the IEP Team's decision is to conduct an evaluation, either comprehensive or partial, the same due process timelines must be followed as for an initial evaluation. Also, the results of any evaluation activities must be contained in the body of a written report. A copy of the evaluation report and documentation of determination of eligibility will be given to the parent.

- C.** If the IEP Team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the child continues to be a child with a disability, the local educational agency -
 - 1.** shall notify the child's parents of -
 - a.** that determination and the reasons for it; and
 - b.** the right of such parents to request an assessment to determine whether the child continues to be a child with a disability; and

2. shall not be required to conduct such an assessment unless requested to by the child's parents.