

Understanding Compliance Issues Manual

REEVALUATIONS

(revised May 2015)

What the law says:

Florida Statutes and State Board of Education Rules regarding the areas of general education intervention procedures, identification, evaluation, reevaluation and the initial provision of exceptional education describe the requirements for reevaluation.

The school district ensures that a reevaluation is conducted if the district determines that the educational or related services needs of the student warrant a reevaluation or if the student's parent or teacher requests it.

Reevaluation of the student may not occur more than once a year, unless the parent and the school district agree otherwise, and must occur at least once every three years, unless the parent and the school district agree that reevaluation is not needed.

Reevaluation is required prior to the determination that the student is no longer a student with a disability in need of specially designed instruction and related services.

Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's twenty-second birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.

The results of any testing administered during the reevaluation process shall be considered by the IEP Team, including the parent, when reviewing and, as appropriate, revising the student's IEP.

The IEP Team, including the parent, and other qualified professionals, as appropriate shall determine that the student is no longer a student with a disability based on the results of the reevaluation process, when applicable.

What is the rationale?

- ❖ Reevaluations assist a district and school personnel with carefully reviewing and determining whether or not a student continues to be a student with a disability in need of special education and related services.
- ❖ Reevaluations provide an additional opportunity for parents to be involved in the educational process.
- ❖ The reevaluation process allows the IEP Team, including the parents, a systemic process for discussing the reevaluation needs/results.

Reevaluation is the process whereby information about a student is gathered and reviewed to determine the need for continuation in Exceptional Student Education. A reevaluation must be considered at least once every three years. However, a reevaluation may be conducted more frequently if the need arises. The IEP Team reviews existing data and determines what additional data, if any, needs to be collected.

The IEP Team determines whether additional data are needed to determine the following:

- ▶ Whether the student continues to have a disability;
- ▶ The educational needs of the student;

- ▶ The present levels of academic achievement and related developmental needs of the student;
- ▶ Whether the student continues to need specially designed instruction and related services; and
- ▶ Whether any additions or changes to the specially designed instruction and related services are needed to enable the student to meet measurable annual goals set out in the student's IEP and to participate, as appropriate, in the general curriculum.

Reevaluation Best Practices Guidelines

As a best practice, the IEP Team should consider that all students identified as having Intellectual Disabilities (InD) and Emotional/Behavioral Disabilities (E/BD) receive a comprehensive reevaluation within the first three years of initial identification. The School Psychologist and School Social Worker should play an active role in the discussions regarding reevaluation needs for these students. The School Psychologist should conduct at least two comprehensive evaluations addressing ESE eligibility and the continuing need for students identified as InD and/or E/BD to ensure that these children are appropriately identified and placed. Factors to consider in discussing possible need for a more recent Social/Developmental History include: change in student's home environment; change in guardianship; child welfare issues; family crisis situations, etc. Of course, students identified in any area of eligibility should be carefully considered at each discussion of reevaluation needs with a careful review of what additional data is needed, if any, in order to determine the bulleted information cited above.

The rationale for the Reevaluation Best Practices Guidelines in relation to the areas of InD and E/BD eligibilities is as follows:

- The possibility of instability of the data in initial evaluations when eligibility is determined at a young age
- The need to carefully review previous reports for discrepancies in the data. For example:
 - Large differences between verbal and nonverbal cognitive measures'
 - Higher adaptive functioning than would be expected given cognitive scores
 - Overall IQs in the InD range, but much higher factor scores in various areas
 - Administration of only one IQ measure that was in the "borderline" range (68-72)
 - Inconsistent results for more than one IQ measure administered
 - Statements in a report suggesting the behavior interfered with test administration
 - A lack of personality measures in previous reports regarding E/BD due to a student's young age
- Proactive measure to address disproportionality of minority students and students from culturally, linguistically, and socially diverse backgrounds identified with disabilities in the InD and/or E/BD areas of eligibility
- Need to gather more data regarding a specific student when progress in current placement has been limited

What Are the Steps?

1. At the beginning of the school year, the Child Study Team convenes to review the ESE targeted roster and determine which students will require reevaluations during the school year. The Child Study Team identifies month by month the students' reevaluation due dates so that evaluators are aware of which students need to be reevaluated and by which date so that they have the opportunity to review records and prepare for participating in the IEP meeting when reevaluation needs are discussed and/or to provide their input to the Case Manager in advance of that meeting.

2. When new areas of concern arise, the students should be afforded the interventions and all the general education intervention procedures and the assistance of the Problem Solving Leadership Team (PSLT), including the possible need for an FBA/PBIP (Functional Behavior

Assessment/Positive Behavioral Intervention Plan), if determined to be needed by the IEP Team. Documentation related to new areas of concern should include evidence of conferences with the parent regarding the concerns and implementation of interventions procedures to assist the student. The parents must be afforded the opportunity to be actively involved in the process.

3. Sufficiently in advance of the reevaluation due date, the ESE Case Manager invites the parents to an IEP meeting to discuss the student's reevaluation needs. Potential evaluators and other applicable Student Services and/or ESE personnel must be made aware of the meeting date in advance to allow them to participate in the meeting or to provide their input to the ESE Case Manager. Parents must be invited using the *Prior Parent Notification* form. "Discuss reevaluation needs/results" and "review/revise IEP" and any other relevant data will be checked on the form to describe the type of meeting to be held.

4. The IEP Team convenes. The composition of the IEP Team must include personnel to fulfill the following roles:

- Parents (Must be invited and encouraged to attend/participate)
- Not less than one ESE Teacher/ESE service provider of the student
- Not less than one Regular Education Teacher of the student, when the student is or may be participating in general education (Input may be provided in advance by way of *Planning Notes*, in lieu of attending, if the parent provides informed written consent to excuse the regular education teacher attendance requirement.)
- An individual to interpret the instructional implications of the evaluations
- LEA Representative
- Transition personnel, when applicable
- Part C representative, when applicable
- Agency representative, when applicable
- The student, when applicable
- Others, at the discretion of the parent or school district who have knowledge of the student or expertise in relevant areas for discussion

Guiding Questions for IEP Teams in Considering Reevaluation Needs of Students and in Determining Whether or Not Additional Data Are Needed

The information below is being provided to assist IEP Teams in the decision-making process regarding whether or not additional assessment data are needed in addressing reevaluation needs of the student. If any of the following areas of concern are present, IEP Teams should consider these guiding questions to assist them in determining what assessment data, if any, are needed to address the reevaluation needs of the student. *IEP Teams should not select Option C without thoroughly discussing the needs of the student and the student information that is currently available.*

Academic Achievement Concerns

1. *What academic data is currently available (e.g., progress monitoring data, Rtl data)?*
2. *What are specific areas of concern in academics?*
3. *Has the cumulative folder been reviewed?*
4. *Has the student been retained?*
5. *Is the student eligible for ESOL services; and if so what are the results of receiving those services?*
6. *What are the student's current and past grades?*
7. *What are the results of state/district testing?*
8. *Have parent-teacher conferences been held, and if so, what information is contained in those conference summary notes?*
9. *What instructional assessments have been administered (i.e., DAR, I Station, running records, curriculum based assessment, etc.)*

10. *What interventions in deficit areas have been implemented and what are the results?*
11. *Does the student exhibit any needs related to the use of Assistive Technology?*

Adaptive Behavior Concerns

1. *Is there any adaptive behavior data available to review?*
2. *What are specific areas of concern (e.g., independent functioning, socialization, etc.)?*
3. *What are the student's adaptive behavioral strengths and weaknesses?*
4. *What adaptive behavior interventions have been implemented and monitored?*
5. *Does the current IEP contain any goals related to adaptive behavior?*
6. *Is the student able to function independently and safely in the school environment?*

Behavioral Functioning Concerns/Need for FBA

1. *Is an FBA/PBIP needed to address any behaviors that are interfering with the student's functioning in the school environment? Or are any revisions needed to an existing FBA/PBIP?*
2. *Does the student require an individual behavior plan? If so, is additional data needed in order to develop this plan?*
3. *Does the current IEP contain goals related to the student's behaviors?*
4. *Have behavioral interventions been implemented with fidelity and monitored? If so, what data is available for the IEP Team to review?*
5. *Has a target behavior (or behaviors) been identified?*
6. *Is baseline data regarding behavioral functioning available for review?*
7. *Have parent-teacher conferences been held regarding student behaviors, and if so, what information is contained in those conference summary notes?*

Cognitive Functioning Concerns

1. *Are there any concerns regarding the student's intellectual or cognitive processing functioning?*
2. *Is there data from previous assessments available for review (e.g., psychological evaluations, IQ measures, measures of cognitive processing skills)?*
3. *Are there any specific cognitive processing concerns (e.g., memory/retrieval concerns, processing speed, intellectual ability)?*
4. *Is the student able to participate independently in classroom activities?*
5. *Is the student able to complete classwork and homework independently?*

Fine Motor/Visual Motor Skills Concerns

1. *Does the student possess the fine motor/visual motor skills needed to function appropriately in the educational environment?*
2. *Do the student's skills in these areas prohibit the student from accessing his/her educational environment?*
3. *Has the classroom teacher consulted with the occupational therapist for suggestions on ways to support the student in the classroom setting? If so, have these suggestions been utilized, and what impact have they had on the student's functioning?*

Gross Motor Skills Concerns

1. *Does the student possess the gross motor skills needed to function appropriately in the educational environment?*
2. *Do the student's skills in this area prohibit the student from accessing his/her educational environment?*
3. *Has the classroom teacher consulted with the physical therapist for suggestions on ways to support the student in the classroom setting? If so, have these suggestions been utilized, and what impact have they had on the student's functioning?*

Health Concerns

1. *Is there a medical diagnosis that may be impacting the student in the school environment?*
2. *Does the student take any medications? And if so, what health/medical need does the medication address?*
3. *What accommodations and/or services does the student require due to the impact of his/her medical/health condition?*
- 4.

Sensory Concerns

4. *Are there concerns regarding the student's vision? If so, what student behavior has been observed related to these concerns?*
5. *Are there concerns regarding the student's hearing? If so, what student behavior has been observed related to these concerns?*
6. *Does the student take any medications? And if so, what health/medical need does the medication address?*
7. *What accommodations or services does the student require due to the impact of his/her medical/health condition?*

Speech/Language Concerns

1. *Are there concerns regarding the student's expressive or receptive language skills?*
2. *What is the student's current level of functioning in the areas of expressive and receptive language skills?*
3. *Does the student have difficulty with grade/age appropriate vocabulary?*
4. *Are there any concerns regarding the student's speech sound production?*
5. *Is the student understandable to familiar and/or unfamiliar listeners?*
6. *Are there any concerns related to fluency (how the student produces connected speech)?*
7. *Are there any concerns related to the pitch, quality or volume of the student's voice?*
8. *Is the student's classroom functioning impacted by his/her receptive/expressive language skills and/or speech production?*
9. *Is there current assessment data available to review?*

Social/Emotional Functioning Concerns

1. *Does the student have appropriate social relationships? With peers? With adults?*
2. *Does the student exhibit appropriate emotional reactions to specific situations/events?*
3. *Does the student exhibit any unusual social behaviors or emotional responses? If so, what has been specifically observed in the school environment?*
4. *Does the student exhibit any significant emotional difficulties? If so, has the parent provided any relevant information about conditions or recent changes in the home that may be impacting the student?*

Best Practices for Assisting the IEP Team in Making Reevaluation Decisions

1. Keep in mind the **RIOT** acronym as reevaluations are planned and/or conducted:
 - **Review** all records
 - **Interview** teachers, parents, support personnel (OT, PT, S/L, etc.)
 - **Observe** in multiple settings over time
 - **Test** in areas needed to answer referral/reevaluation questions
2. All data available on the students should be reviewed, including, but not limited to:
 - Previous psychological and social developmental history reports
 - Outside evaluations and/or progress notes from physicians, psychologists, and counselors, etc.

- Information and input provided by parents
- Discipline history
- Attendance history and mobility
- Standardized scores (SAT, FSA, FCAT, EOC, etc.)
- Report cards – grades and behavior indicators
- Current and previous IEPs
- Mainframe J-screen – review current and past program eligibilities
- Mainframe N-screen, if needed, to review dates/scores of previous psychological evaluations
- Planning notes
- Curriculum-based and classroom assessments, portfolios, work samples
- FBA/PBIA and behavior data
- Sensory screenings (check for recency of current screenings) and health folder information (review past and current medications/health conditions)

What options must the IEP team consider for reevaluation?

There are three options from which an IEP Team may choose when determining the reevaluation needs of a student. The IEP Team may select Option A, B or C. Options A and B pertain to situations when further assessment is needed. Option C is applicable when no additional assessment data is warranted.

NOTE: In accordance with *Florida Statutes and State Board of Education Rules*, for students determined eligible for the Deaf/Hard-of-Hearing, Visually Impaired and Dual-Sensory Impaired Programs formal assessment must be conducted to fulfill reevaluation requirements.

Steps for Option A (3 Year Reevaluation) or Option B (More Frequent Reevaluation): Upon review of the existing data, the IEP Team determines that **additional data must be collected.**

Step One:

The IEP Team meets and reviews and/or revises the IEP, as appropriate. The IEP Team examines each area addressed in initial or subsequent reevaluations and current concerns about the student to determine which, if any, evaluations should be conducted. All appropriate personnel should be present for this meeting and/or be given the opportunity to provide their input in advance. A Conference Summary form (MO-31) may be completed to document the discussion and recommendation(s) of the IEP Team and to document the signatures of those present at the meeting. The “Additional Comments” section of the IEP that appears in the Summary of Data section of the IEP may also be used for documenting the discussion. In this case, the signature section of the IEP will contain the signatures of those present at the meeting. The recommendations regarding the reevaluation needs of the student will include the decisions of the IEP Team. For example: “The IEP Team has determined that formal academic testing should be completed to address reevaluation needs,” or “the IEP Team has determined that a complete multidisciplinary evaluation should be completed by the School Psychologist and the School Social Worker to address reevaluation needs.” The *Informed Parental Consent for Reevaluation* (SB34504) form is completed with the first option at the top of the form checked to indicate that this form is being completed for the purpose of securing **informed parental consent for reevaluation**. The ESE Case Manager checks Option A or B, as applicable.

Step Two:

- When the parent attends the meeting, the ESE Case Manager requests written parental consent on the SB34504.
- When the parent is not in attendance, the ESE Case Manager attempts to obtain parental consent by sending form SB34504 home to the parents. The date sent is documented in

the “Notification Record” section at the bottom of the SB34504. ESE Case Manager retains a copy of the consent (with notification dates recorded) for his/her records.

If the parent does not respond, the ESE Case Manager sends the SB34504 form home again with additional date(s) recorded in the “Notification Record” section. The ESE Case Manager must make at least three attempts to secure the parents’ written consent, and one attempt must be made via US Mail. After the third attempt, the Case Manager may inform evaluators that the reevaluation process may proceed even if the parent has not responded.

If the parent denies consent, then the reevaluation process will not proceed. Contact a member of your Area Office ESE Team for assistance in seeking ways to reach resolution to the reevaluation issues.

Step Three:

Coding at the bottom of the SB34504 reevaluation form is completed by Student Services personnel when Student Services personnel are evaluators. Otherwise, the ESE Case Manager checks the “For Documentation Only” box. The ESE Case Manager files the original in the cumulative folder, and submits additional copies for Student Services personnel, as applicable, to Central Files. ESE Case Manager distributes other copies as indicated and applicable.

Step Four:

ESE Case Manager and/or other evaluators make appropriate entries on Child Study Team (CST) log. Evaluators conduct the appropriate assessments and update CST log.

NOTE: If consideration will be given to a change in eligibility, complete any and all required assessments that are needed to address State Board Rule evaluation and eligibility criteria requirements, and all requirements per the district’s Special Programs & Procedures (SP&P), for any possibly relevant disability categories.

Step Five:

Once reevaluation report(s) is(are) completed, the evaluator(s) will submit the report(s) to the CST Chair or other designee for logging and distribution. The evaluator(s) should contact the parent to share results of the evaluation(s) and to answer any questions. A copy of the evaluation report(s) should also be provided to the parent.

Upon completion of all evaluations, the ESE Case Manager invites parents to an eligibility staffing and/or IEP Team meeting using the *Prior Parent Notification* form, specifying the purposes of the meeting as detailed below, and as applicable:

- Review/revise the Individual Educational Plan or Annual IEP Review as appropriate
- Discuss reevaluation results
- Determine eligibility for your child for an ESE program (if Eligibility Staffing Committee will be convened)
- Consider increasing/decreasing in services in _____
- Consider removal of disability category...” (This change may occur through the eligibility/IEP process or IEP process only.)
- Consider removal of all disability categories (This change may occur through the eligibility/IEP process or IEP process only.)
- Discuss age/grade related requirements (such as diploma options, transition services, postsecondary goals, based on age of the student)

Step Six:

At the Eligibility/IEP Team meeting:

- Address issues of program eligibility if warranted by the available data.

- If a complete review of all goals and objectives is not warranted at this time, then the reevaluation results and progress statement must be recorded on a Conference Summary form (MO-31).
- If an annual review is needed, results of the reevaluation and progress statement may be recorded in narrative form on the IEP Summary of Data page, or on a Conference Summary form. The IEP "Summary of Data" section will indicate the type of meeting with the following checks: "Annual Review," "Discussion of Reevaluation Results," and any other applicable statements. The "Reevaluation Due Date" is determined by projecting three years from the completion of the last assessment/report during the most recent reevaluation process.
- Complete notifications as appropriate for the actions taken. (See section of this manual titled "Notice Requirements.")
- Secure signatures on all documents.

Step Seven:

ESE Case Manager distributes documents.

Step Eight:

ESE Case Manager submits J-screen to DP Clerk for update. "Most Recent Evaluation" date is marked as the date of completion of the last assessment/report during the reevaluation process.

Steps for Option C: Upon review of the existing data and addressing the guiding questions for consideration of reevaluation needs, the IEP Team determines that **no additional data must be collected.**

Step One:

The IEP Team meets, reviews all existing data, and reviews and/or revises the IEP, as appropriate. The IEP Team examines each area addressed in initial or subsequent reevaluations and current concerns about the student to determine which, if any evaluations should be conducted. All appropriate personnel should be present for this meeting and/or be given the opportunity to provide their input in advance. A Conference Summary form (MO-31) may be completed to document the discussion and recommendation(s) of the IEP Team and to document the signatures of those present at the meeting. The "Additional Comments" section of the IEP that appears in the "Summary of Data" section of the IEP may also be used for documenting the discussion. In this case, the signature section of the IEP will contain the signatures of those present at the meeting. The recommendations regarding the reevaluation needs of the student will include the decisions of the IEP Team. For example: "The IEP Team has determined that no additional assessments are warranted at this time to address reevaluation needs." Also, it should be indicated to "see notice form regarding reevaluation (SB34504)" and any applicable statements regarding the IEP, such as "The current IEP is appropriate as written and will continue," or "The IEP has been reviewed (or revised) to meet the student's needs." Other considerations/recommendations that may need to be addressed after the IEP Team reviews all available data, including any information or private reports provided by the parent, include, but are not limited to:

- IEP consideration to increase or decrease services and/or supports, per the current needs of the student
- IEP consideration to remove an eligibility category, due to the student no longer needing that eligibility category
- Eligibility staffing committee consideration to remove an ESE eligibility category due to eligibility criteria, per State Board of Education Rules, no longer being met
- Eligibility staffing committee consideration to determine the addition of an ESE eligibility category due to the student meeting criteria for eligibility per current State Board of Education Rules.

The SB34504 form is completed as a notice to parents with Option C checked. All relevant information is indicated/included to describe to the parents what available assessments/information was reviewed and to indicate what other options were considered and the reasons they were rejected, such as “updated formal academic assessment was considered, but was rejected because the currently available academic data for the student provides sufficient information in this area.” The reevaluation notice form (SB34504) includes prompts to assist the IEP Team in addressing the Option C documentation requirements.

Step Two:

- When the parent attends the meeting, and agrees with the Option C recommendation, then the Case Manager completes the SB34504 form and indicates “N/A” (for not applicable) on the parent signature line.
- When the parent attends the meeting, and does not agree with the Option C recommendation, then discuss further with the parent. The discussion should be documented on a Conference Summary form (MO-31).
 - If after further discussion, the IEP Team agrees to recommend evaluation(s)**, then indicate by checking Option A or B (rather than C). Present the reevaluation form to the parent and obtain written parental consent. The other relevant factors should indicate that “parental request for evaluation” is a factor.
 - If after further discussion, the IEP Team does not agree to recommend evaluation(s)**, then Option C should be checked. Parent will then check the option of the SB34504 that indicates a request for assessment even though it has not been recommended. The parent signs and dates the form as well.
 - When a parent exercises the option to request an assessment even though it has not been recommended, then an assessment must be completed.** Again, the Conference Summary form (MO-31) should be used to document the IEP Team’s discussion and agreed upon components of the reevaluation.
- When the parent is not in attendance, the ESE Case Manager follows up by providing information to the parent, including the completed form SB34504 (with Option C checked and all relevant information included). The parent copies of all documents completed at the meeting are sent to the parent. The parent signature line may be marked with “N/A” (for not applicable). The following statement should be highlighted for the parent: *The District will not conduct an assessment unless requested by you to do so. As a parent you have the right to request that assessments be conducted to determine whether your child continues to need special education and related services.* If the parent, after receiving this notice, informs school personnel that evaluations are requested by them, then the IEP Team reconvenes with the parent and the instructions given above in relation to “**if after further discussion**” are followed. A second SB34504 will be completed by the Case Manager following the discussion to document the IEP Teams decision, as applicable, and the evaluation requested by the parent will proceed, following the applicable steps provided in the section relevant to Options A and B.

Step Three:

ESE Case Manager files the SB34504 original in the cumulative folder; submits a copy to Central Files; and distributes other copies as applicable. ESE Case Manager submits J-screen to DP Clerk for update. When no further assessments are conducted as part of the reevaluation process, then “Most Recent Evaluation” date is marked as the date of the IEP Team meeting during which this recommendation was determined. The ESE Case Manager will inform the CST Chair of the recalculated reevaluation due date so that it may be appropriately logged.

***Reevaluation Procedures
To Consider the Need for OT or PT Services***

1. Procedures for Activities Prior to Reevaluation

Prior to determining the need for a reevaluation to consider the need for Occupational or Physical Therapy services, the student must be identified as a student with a disability and eligible and served in an exceptional education program. The following activities must be completed to ensure that the present level of functioning and the current needs of the student may be understood by the IEP Team when educational decisions and recommendations are made:

- Contact Area OT/PT Team and schedule an observation for instructional strategies.
- Complete "Information for Therapy Observation" form provided by the OT/PT.
- Implement intervention strategies, modifications and accommodations suggested by the therapist to support the student's learning.
- Determine if the student's IEP addresses the area(s) of concern and is being implemented through exceptional student education services.

2. Procedures for Reevaluation

Appropriate documentation must be provided to the IEP Team indicating that interventions have been implemented but have been unsuccessful in addressing the area(s) of concern for the student. Complete the following:

- Follow procedures for reevaluation as outlined in the *Understanding Compliance Issues* manual.
- The IEP Team will discuss the area(s) of concern that need to be addressed through the reevaluation process and document the discussion and the IEP Team's recommendations on a Conference Summary form (MO-31).
- Obtain written consent for reevaluation from the parent by completing the Informed Written Consent for Reevaluation form (SB34504),
- Provide a copy of the SB34504 and the corresponding MO-31 to all evaluators involved in the reevaluation process. Forward OT/PT copies to the Area OT/PT Team identified for your area.
- The OT/PT therapist will schedule with the teacher of the student to complete the evaluation.

3. Procedures Upon Completion of the Reevaluation.

Upon completion of the reevaluation, the Case Manager will provide a staffing packet (to include required Florida doctor's orders for PT consideration) to the area Staffing Specialist assigned to the student's school. The Staffing Specialist will schedule an IEP meeting. The packet must include:

- √ J-Screen
- √ Current demographic and parent contact information

- √ Informed Written Consent for Reevaluation (SB34504)
- √ Conference Summary (MO-31) documenting reevaluation needs
- √ OT/PT Evaluation Report
- √ Florida doctor's orders, current within one year, for PT consideration
- √ Other evaluation reports as appropriate
- √ Copy of the current IEP
- √ Draft of Present Level of Performance if Annual Review is to be held
- √ Planning notes for service providers and regular education teachers as appropriate

REMOVAL of ALL DISABILITY CATEGORIES (“DISMISSAL”)

Removal of all disability categories (or “dismissal”) refers to situations for students who **no longer meet criteria or who no longer exhibit a need** for exceptional student education service(s). It does **not** include students who withdraw (**leave the district**), graduate, or drop out of school.

Before determining that a student no longer has a disability, a reevaluation must be conducted. Such a reevaluation, like any other reevaluation, is subject to requirements of 34CFR 300.303. The IEP Team convenes to determine what additional data, if any, are required to determine whether the student continues to have a disability. If the need for additional data is warranted, the parent must provide informed written consent prior to the district conducting any assessments as part of the reevaluation. The IEP Team must reconvene to discuss and address the results of the reevaluation.

Removal of all disability categories for a student may only occur after the reevaluation process has occurred. *[As a reminder, a change in eligibility may only occur after the reevaluation process has occurred, also.]* A reevaluation may include the completion of additional assessments and/or a review of existing data. The recommendation for removal of all disability categories and the discontinuation of ESE services must be based upon the results of the reevaluation process.

NOTE: Consideration of removal of all disability categories must be the stated as a purpose of the meeting in order to ensure that the parent has the opportunity to adequately prepare for full participation in the meeting. *[The consideration for change in identification and/or placement utilizes a similar process; however, the final determination is that the student still continues to be in need of ESE services, albeit different than before.]*

It may be appropriate to remove all disability categories if:

(a) Upon reevaluation, the student is determined no longer to be a student with a disability

in need of special education and related services, or

(b) The parent of the student revokes consent for all ESE services

There are two methods that may be utilized to address the process of removing all disability categories for a student, and the cessation of all ESE services. One method is through the eligibility staffing process, followed by an IEP review. This method will address whether or not the student continues to meet eligibility criteria, with a continued need for ESE services. The second method that may be utilized to address the process is solely through the IEP review process. The IEP review process allows the IEP Team to determine whether or not the student has a continued need for receipt of ESE services.

Parents must be provided *Prior Parent Notification of the Eligibility/IEP meeting:*

- ◆ **To consider removal of all disability categories through eligibility criteria process, check the following items in Part I:**
 - Determine whether or not eligibility criteria is met for specific disability category(ies)
 - Review/revise the Individual Education Plan
 - Consider removal of all disability categories
 - Discuss reevaluation needs/results
 - All other relevant lines (i.e. Diploma Option, Identify Transition/Post school services)
- ◆ **To consider removal of all disability categories through the IEP review process, check the following items in Part I:**

- Review/revise the Individual Education Plan
- Consider removal of all disability categories
- Discuss reevaluation needs/results
- All other relevant lines (i.e. Diploma Option, Identify Transition/Post school services)

Reports generated as a result of the reevaluation must be sent home to the parent with the *Prior Parent Notification*, if parents have not previously been provided these reports.

Upon completion of the meeting, the parent must be provided a copy of the *Informed Notice of Intent to Change Eligibility/Placement* form (SB 89035), which serves as the prior informed written notice to the parents of the ineligibility and/or removal of all disability categories.

UPON COMPLETION OF REEVALUATION:

1. An eligibility staffing is held followed by an IEP review meeting to review current evaluative data addressing eligibility criteria, including need for services. If this process is implemented, evidence of the eligibility staffing, which documents that the student no longer meets criteria for the special program will be recorded on an Eligibility Staffing Report (MO-1) and an IEP review is completed.

OR

2. An IEP Team meeting is held to consider whether or not the student continues to require ESE services and to document the decision of the IEP Team, by way of an IEP review.

Summary Regarding Removal of All Disability Categories

The school district must reevaluate a student before determining that the student no longer has a disability and no longer requires special education. The reevaluation process must also be followed prior to adding, changing or removing a disability category for a student receiving special education services (change in identification).

Removal of all disability categories for a student may only occur after a reevaluation has been completed. A reevaluation may include the completion of additional assessments and/or the review of existing data.

- ❖ There are two (2) processes that may be utilized:
 1. One method is through the eligibility staffing/IEP review process. The student no longer meets eligibility criteria for ESE Programs (as specified in the SP&Ps).
 2. The second method is through an IEP review process. The student no longer has a need for any ESE services).

In regard to both methods, the IEP Team determines that the student is appropriate for the general education curriculum without special education. The IEP Team must be convened for the purpose of making this determination.

Upon completion of the meeting, the parent must be provided a copy of the Informed Notice of Intent to Change Eligibility/Placement (SB 89035), which serves as the written notice to the parents of the ineligibility and/or removal of all disability categories.

Questions and Answers Regarding Removal of All Disability Categories

- 1. What is required before determining that a student is no longer a student with a disability in need of special education services?**

Prior to making the determination that a student is no longer a student with a disability, the reevaluation process must be followed. The district must provide prior parent notification to the parent regarding a meeting to discuss appropriate placement, including the removal of all disability categories. Upon reviewing all the data, the IEP Team then makes the determination of whether or not the student continues to require special education and related services. When the determination is to remove all disability categories for the student and the cessation of all ESE services, the district must then provide prior written notice of intent to change form (SB89035) to the parent before special education services cease.

- 2. Must one formal evaluation be administered prior to determining that the student does not require special education?**

No, unless the IEP Team determines that additional data is necessary, Option C on the SB34504 may be appropriate. However, current State Board of Education Rules for Visually Impaired, Deaf/Hard of Hearing and Dual Sensory Impaired Programs have specific reevaluation requirements.

- 3. How is the decision made to remove all disability categories?**

The eligibility/IEP review process is used for this purpose. Data that is commonly utilized in the decision-making process includes data regarding the student's achievement in the general curriculum with and without support; data regarding the student's progression toward achieving the regular State standards; and data regarding the student's ability to participate in the general education curriculum. Decisions regarding individual students should be based on data from numerous sources. The IEP Team must address all data in accordance with reevaluation procedures.

- 4. May a student be removed from special education services based upon infrequent attendance or poor motivation?**

No. Infrequent attendance and poor motivation are not appropriate reasons. A change in special education services, delivery models, instructional techniques, learning strategies, accommodations, or interventions may need to be considered for that student. The IEP goals, including benchmarks or short-term objectives, may need to be revised to address these areas of concern.

- 5. May a student be removed from special education services based solely upon parent request?**

Yes. If the parent of a student with a disability revokes consent for services in writing to the district, the district must not delay the cessation of special education and related services. However, prior to ceasing services, the district must provide the parent with informed written notice of intent to change. The Staffing Specialist should be contacted for assistance in providing the appropriate notice to the parent.

- 6. May a student who no longer needs special education services be removed from special education if the parent is not in attendance at the IEP meeting?**

Yes. However, prior informed written notice is required to explain the results of the meeting before the action takes place. The notice to document the decision must be given even if the parent is present at the IEP meeting. The removal must be delayed for a reasonable time in order to ensure that the parent has received a copy of the written notice before the action takes place.

7. May a student who no longer needs special education services be removed if a member of the IEP Team disagrees with the decision to dismiss?

Yes. Any member of the committee may disagree with the recommendations. If the parent requests that the student continue in special education and the remaining committee members disagree with the request, the district must provide the parent with a notice of intent to change (SB89035) and a notice of refusal (SB89026) relevant to the parent's specific request.

8. If a student no longer requires special education, but continues to need a related service, can the student be placed on "monitor status" in order to continue to receive a related service (e.g., OT)?

No. If a student has been reevaluated and is no longer a student with a disability in need of special education services, the student is no longer eligible to receive related services. The role of related services is to enable the student to benefit from special education in order to receive a FAPE (34 CFR 300.34).

9. If a student is removed from special education and no longer in need of services under IDEA, can accommodations continue to be provided for the student?

Yes. General education teachers can and are encouraged to make accommodations for classroom assignments and tests for all students. Districts also offer a variety of programs, such as dropout prevention and Title I, to meet the special needs of students. However, in order to receive accommodations on state or district assessments, a current IEP or 504 Accommodations Plan must determine this need.

10. If a student who is removed from special education services and placed in regular education begins to have difficulty in the general education curriculum, and is subsequently referred for the same ESE program that the student was eligible for previously, must the student once again meet the initial eligibility criteria for that program? In such a circumstance, are activities/interventions required?

For a student who has been removed from special education, he/she must be referred for an initial evaluation, after the provision of general education intervention procedures are conducted, to determine if the student is now a student with a disability. At the CST meeting, when the need for a referral is being discussed, a review of all existing data must occur. Upon receipt of the parent's consent for initial evaluation, the evaluation process is conducted. The process for determining eligibility is followed and, when applicable, the process for IEP development and determination of ESE placement are followed. The parent must be invited and encouraged to attend the eligibility staffing/IEP meeting. The parent must provide written consent for the provision of initial ESE services before the proposed placement may begin.

When conducting initial ESE evaluations, the district is not required to implement general education interventions and observations prior to referring a student for an initial evaluation under the following circumstances:

- The student is suspected of being Gifted

- The student is being considered for eligibility as a student who is homebound or hospitalized
- The student is not enrolled in public school (e.g., the student is enrolled in a private school or in a home education program)

In addition, the general education intervention requirements related to parent involvement, observations, and evidence-based interventions are not required if the team of qualified professionals and the parent determine that the nature or severity of the student's area of concern make the procedures inappropriate to address the immediate needs of the student.

What Forms/Documents do I Need?

For students being considered for reevaluation, the following forms are needed:

-  **Prior Parent Notification**
-  **IEP documents***
-  **Notice/Consent for Reevaluation (SB34504)**
-  **Conference Summary (MO-31)**

* As applicable, if the IEP is reviewed/revised at the time of the discussion of reevaluation needs/results

REEVALUATIONS

Questions & Answers

1. How can input from parents be obtained if they are not in attendance during the reevaluation needs discussion?

Parents can provide input via questionnaires, phone interviews, home visits, or other forms and methods.

2. How often must a reevaluation be conducted?

A reevaluation is conducted: if the student's needs warrant a reevaluation; the student's parents or teacher requests a reevaluation; removal of all disability categories is being considered (due to the student no longer being a student with a disability in need of special education and related services; and at least once every three years.

3. To continue to receive special education and related services upon completion of the reevaluation process, must a student meet initial ESE program eligibility criteria?

No. However, for a student with an intellectual disability (InD), it is strongly recommended to districts, and advised by the Office of Civil Rights, that the student continue to meet initial eligibility criteria in the areas of general intellectual functioning, adaptive behavior and academic functioning to continue to be identified in this category of disability. If the initial eligibility criteria are not met in one or more areas, the IEP Team should document their reasons for determining that the student continues to be a student with an intellectual disability including why the evaluation results do not accurately reflect the student's level of functioning. These decisions should be made individually on a case-by-case basis.

4. If a student eligible for one program (e.g., SLD) is suspected of having another disability (e.g., Emotional/Behavioral Disabilities), and is being reevaluated to determine this, must required general education intervention procedures be completed again?

The requirement for general education intervention procedures to be conducted prior to conducting an initial evaluation has been fulfilled. However, all students should be afforded the opportunity for strategies/interventions to address any areas of concern that are impacting learning. Additionally, the eligibility criteria for some disability categories, such as Emotional/Behavioral Disabilities (E/BD) and Specific Learning Disabilities (SLD) include a review of interventions/strategies implemented and the results and outcomes of those processes. Existing data in the student's record, including attendance data must be reviewed as part of any reevaluation process. The review of existing data would also include information of what strategies/interventions have been implemented and the results.

For any student whose reevaluation needs are being addressed, the following would occur:

- A review the student's record to determine if there is existing information pertinent to the student's presenting behaviors and what strategies/interventions have been implemented to address a lack of progress in the classroom.
- Information from parent conferences
- Noted observations of the student

For some students, the IEP Team will determine that no further information is needed. For others, the IEP Team may determine that additional response to intervention data is needed to adequately assess the student's academic and/or behavioral needs.

5. Must the reevaluation process be followed when conducting a functional behavior assessment (FBA)?

Yes, when the FBA is recommended to address reevaluation needs of the student. The district must follow the reevaluation process, whether the FBA results from a disciplinary action or because there are concerns about the student's behavior and more information

is needed. However, the team may determine not to recalculate the next reevaluation due date depending on the type and amount of data needed to address immediate behavioral needs. The reevaluation process does not need to be followed when assessments are being conducted to determine what strategies are effective for a student. For example, reevaluation consent is not required if the PSLT/MTSS team determines that a diagnostic or functional assessment, including a functional behavioral assessment (FBA), is required to develop an effective strategy for a struggling student with no expectation of potential ESE eligibility or related to any reevaluation need, as the purpose is to inform instructional or intervention decisions. However, State Board Rule (6A-6.0331(1)(a)) requires that parents be afforded opportunities for involvement in the process to address their child's need for academic interventions. Therefore, parents should be informed and aware of the nature and purpose of activities conducted through the PSLT/MTSS team process and, in the example above, should be key participants in the FBA process.

6. When is parental consent not required?

Parental consent is not required prior to:

- Administering classroom assessments for the purpose of determining the student's mastery of IEP annual goals and short term objectives as described in the Evaluation Plan section(s) of the IEP goals.
- Completing functional behavior assessment (FBA) in circumstances in which data comes solely from the review of existing information (Option C of the reevaluation process, see SB34504).
- Conducting an alternate assessment listed on the IEP, as required by the Individuals with Disabilities Act (IDEA). However, parents should participate through the IEP process in decisions regarding alternate assessments.

7. What if a parent requests a particular test(s) during the reevaluation process?

The IEP Team makes the decision regarding which, if any, additional tests, evaluations or assessments will be used. A detailed *Notice of Refusal* (SB89026) with all the required components should be provided if the parent requests tests that the rest of the IEP Team believes are not necessary. The district or parent may request mediation or a due process hearing if an agreement cannot be reached.

8. How soon after the assessments are completed should the IEP Team reconvene to discuss the results?

Although a time certain is not specified in the regulations, it is suggested that the IEP Team meet to consider the results of the assessments and to determine if any revisions to the IEP are needed as soon as possible after the completion of the testing.

9. How is the new reevaluation due date determined?

The new reevaluation due date is three years from the date of the last assessment that was completed as part of the most recent reevaluation.

10. What is the new reevaluation due date when no additional assessments are administered?

The new reevaluation due date is three years from the date of the IEP Team meeting during which it was determined that no additional assessments were needed.

11. What should occur if the district is unable to complete the three-year reevaluation process by the due date?

Every effort should be made to complete the reevaluation process by the due date. However, if this does not occur, districts should clearly document all good faith efforts made to complete the reevaluation process on time. Some examples of this documentation would include phone logs, IEP conference notes, reevaluation review notes, or certified letters. If school personnel are aware that attendance problems may interfere with the timely completion of the reevaluation process, these problems should be brought to the attention of the IEP Team so that immediate action, including attendance referral procedures, can be taken.