

REEVALUATION PROCEDURES

Once a student is eligible for special education and related services, any subsequent evaluation of the student is considered a reevaluation, even if the student is being evaluated because a different or additional eligibility category is suspected.

The Daviess-Martin Special Education Cooperative (DMSEC) will consider reevaluation for each student receiving special education and related services:

- 1) at least once every three (3) years, however reevaluation need not occur if the parent and the public agency agree that it is unnecessary;
- 2) if the public agency determines at any time during the three (3) year cycle that additional information is needed to address the special education or related services needs of the student, and if the student's parent or teacher requests reevaluation.

NOT A REEVALUATION

The following procedures are not reevaluation:

- 1) A test or other evaluation that is administered to all students unless, before administration of the test or evaluation, consent is required from parents of all students;
- 2) A screening of students by a teacher or a specialist to determine appropriate instructional strategies for curriculum implementation;
- 3) A review of existing data regarding a student; and
- 4) The collection of progress-monitoring data when a student participates in a process that assesses the student's response to scientific, research-based interventions.

REEVALUATION TIMELINE

If a case conference committee determines at an annual case conference committee (CCC) meeting that reevaluation is necessary to reestablish eligibility for special education and related services, reevaluation must occur by the next annual CCC meeting.

Reevaluation to reestablish eligibility may not occur more than once a year, unless the parent and the public agency agree otherwise.

A reevaluation must occur and the CCC convened within fifty (50) instructional days of the date that written parental consent is received by licensed personnel, if a student is being reevaluated to:

- 1) Determine that the student is eligible for special education and related services under a different or additional eligibility category;
- 2) Determine that a student is no longer eligible for special education and related services; and
- 3) Inform the CCC of the student's needs, such as the student's need for assistive technology or a related service.

WRITTEN NOTICE OF REEVALUATION

Before a public agency can reevaluate a student, or refuse to reevaluate a student, the public agency must provide the student's parent with written notice that includes the following:

- 1) A statement that the public agency is proposing or refusing to reevaluate the student that includes a description of each evaluation procedure, assessment, record, or report the public agency used as a basis for proposing or refusing to reevaluate the student.
- 2) A description of other factors relevant to the public agency's proposal or refusal to reevaluate the student.
- 3) If the public agency:
 - a) Is proposing to reevaluate the student, a description of the reevaluation process; or
 - b) Refuses to reevaluate the student, an explanation of the parent's right to contest the agency's decision by requesting mediation or a due process hearing
- 4) If a public agency is proposing to reevaluate the student, the timeline for conducting the reevaluation and convening the CCC meeting.
- 5) A statement that a parent of a student with a disability has protection under the procedural safeguards, including information regarding how a copy of the written notice of procedural safeguards can be obtained.
- 6) A list of sources for parents to contact to obtain assistance with understanding the provisions of Article 7.

- 7) The written notice must be:
 - A. Written in language understandable to the general public.
 - B. Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the school must take steps to ensure:
 - i) the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;
 - ii) the parent understands the content of the notice; and
 - iii) that there is written evidence that the requirements in clauses (i) and (ii) of this subsection have been met.
- 8) A parent may challenge the public agency's refusal to reevaluate the student by requesting mediation or a due process hearing.

CONSENT FOR REEVALUATION

If the school proposes to reevaluate the student, the parent of the student must provide consent to licensed personnel before the public agency can reevaluate the student.

If the parent refuses to consent to reevaluation, the school may, but is not required to, pursue reevaluation by requesting mediation or a due process hearing. The school does not violate its obligation to reevaluate the student if it declines to request mediation or a due process hearing.

Parental consent for reevaluation does not need to be obtained if the public agency makes reasonable efforts to obtain consent, and the parent fails to respond. To document reasonable efforts, the public agency must keep a record of its attempts to obtain parental consent, including:

- 1) Detailed records of telephone calls made or attempted and the results of the calls.
- 2) Copies of correspondence sent to the parent and any responses received.
- 3) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

After a parent consents to reevaluation, or fails to respond to a request for consent, the CCC and other qualified professionals, as appropriate, must do the following:

- 1) Review existing evaluation data on the student, including:
 - a. evaluations and information provided by the parents of the student;
 - b. current classroom-based, local, or state assessments, and classroom-based observations; and
 - c. observations of teachers and related services providers.
- 2) On the basis of that review, and input from the student's parent, identify what additional data, if any, are needed to determine the following:
 - a. Whether the student continues to have a disability and the special education and related service needs of the student.
 - b. The present levels of academic achievement and functional performance, and related developmental needs of the student.
 - c. Whether the student continues to need special education and related services.
 - d. Whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the student's individualized education program (IEP) and to participate, as appropriate, in the general education curriculum.

This review may be conducted without a meeting.

REEVALUATION NOT NECESSARY

If the CCC and other qualified professionals as appropriate, after reviewing existing evaluation data, determine that no additional data is needed to determine whether the student continues to be eligible for special education and to determine the student's special education and related service needs, the school must:

- 1) Notify the parent of that determination and the reasons for the determination;
- 2) Notify the parent of the right to request an assessment to determine
 - a. whether the student continues to be eligible for special education, and
 - b. to determine the student's special education and related service needs;
- 3) Notify the parent the school is not required to conduct such an assessment unless requested to by the student's parent.