

Evaluation - 6.5 Reevaluation

State Performance Plan (SPP):

(See Overview in the Introduction for more information on the SPP.)

Intent:

To provide guidance in determining whether a reevaluation is required and, if required, who must participate and what existing or additional data are needed to determine if a child continues to be a child with a disability and to determine appropriate educational services including whether or not the child has progressed as a result of special education services.

Timelines:

Reevaluation

A reevaluation **may occur not more than once a year**, unless the parents and the school district agree otherwise; and

A reevaluation **must occur at least once every three years**, unless the parents and the school district agree that a reevaluation is unnecessary.

If additional assessments are to be conducted as part of a reevaluation, the assessments and reevaluation **must be completed by the three year anniversary date** of the child's previous evaluation. The last day the previous evaluation is effective is three years minus one day.

REQUIREMENT

3301-51-06

(D) Reevaluations

(1) General

A school district of residence must ensure that a reevaluation of each child with a disability is conducted in accordance with paragraphs (E) to (J) of this rule:

- (a) If the school district determines that the child's educational or related services needs, including improved academic achievement and functional performance, warrant a reevaluation; or
- (b) If the child's parent or teacher requests a reevaluation; or
- (c) When a child transitions from pre- school to school- aged services; or
- (d) In order to make a change in disability category.

(2) Limitation

A reevaluation conducted under paragraph (D) (1) of this rule:

- (a) May occur not more than once a year, unless the parent and school district agree otherwise; and
- (b) Must occur at least once every three years, unless the parent and the school district agree that a reevaluation is unnecessary.

3301-51-06

(F) Additional requirements for evaluations and reevaluations

(5) Evaluations before change in eligibility

(a) Except as provided in paragraph (F) (5) (b) of this rule, a school district must evaluate a child with a disability in accordance with paragraphs (E) to (J) of this rule before determining that the child is no longer a child with a disability.

(b) The evaluation described in paragraph (F) (5) (a) of this rule is not required before the termination of a child's eligibility under this rule due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for a free appropriate public education (FAPE) under state law.

(c) For a child whose eligibility terminates under circumstances described in paragraph (F) (5) (b) of this rule, a school district must provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.

GUIDANCE

Reevaluation

Conducting a reevaluation provides the parents and the district with the opportunity to **review the child's progress on academic and functional goals in response to special education services** and to **determine whether the child continues to be eligible for special education**. Each school district must ensure that a reevaluation of each child with a disability is conducted when:

- The IEP team determines that the child's educational or related services needs, including improved academic achievement and functional performance, warrant a reevaluation;
- The child's parents, the school or the child's teacher request a reevaluation;
- The child transitions from preschool to school-age services;
- Prior to determining that a child is no longer a child with a disability; and
- When exiting a child from special education.

In some cases, a reevaluation is necessary when the child's initial evaluation was conducted at a very young age and the team is concerned that the initial results may not reflect the child's current abilities or skills. A reevaluation might also be recommended when the child has demonstrated a significant improvement or decline in academic performance or behavior or has failed to make reasonable progress.

The reevaluation may **not** occur more than once annually unless the parents and school district agree otherwise.

The reevaluation must occur at least once every three years unless the parents and the school district agree that a reevaluation is unnecessary.

If additional assessments are to be conducted as part of a reevaluation, the assessments and reevaluation must be completed by the three year anniversary date of the child's previous evaluation. For example: If an evaluation team report (ETR) was completed on April 1, 2009, the ETR must be completed by March 31, 2010. The last day the previous ETR is effective is March 31, 2010 (three years minus one day). The 60-day timeline for initial evaluations does not apply.

Reevaluation not required when:

- **Parents revoke consent**

If parents revoke consent for special education services, the school district is not required to conduct a reevaluation to remove the child from special education.

- **Parents and district agree that a reevaluation is unnecessary**

Procedures and Guidance for Ohio Educational Agencies serving Children with Disabilities

(October, 2011)

There are some circumstances when the district and the parents will agree that a reevaluation of a child is unnecessary. This agreement could be appropriate if the child's continued eligibility for special education is not in question and the child is making expected progress as a result of special education services. **It is not permissible for a district to automatically determine that reevaluations are unnecessary for children identified with particular disabilities.** This decision should be based on the individual needs of the specific child. Before making a final decision, the parent and district should fully discuss the advantages and disadvantages of not conducting a reevaluation and the effect that the decision could have on the child's educational progress. **It is important to note that this is an agreement between the parents and the district and not a waiver.**

If the parents and the district agree that a reevaluation is unnecessary, **this decision should be documented in writing.** The district **may, but is not required to,** provide the Prior Written Notice PR-01 form.

- **Change in placement due to graduation or child exceeds age eligibility**

A reevaluation **is not required** when a child's change in placement is due to graduation or the child exceeds the age eligibility for special education services. In Ohio, that age is 22. The district is required to provide the child with a **Summary of Performance** that includes a summary of the child's academic achievement and functional performance, as well as recommendations on how to assist the child in meeting the child's postsecondary goals. Additional assessment is not required to complete the Summary of Performance and an IEP meeting does not need to be conducted to complete the summary, although IEP team members need to be involved in developing the summary. If the district involves these members by choosing to have an IEP meeting, required procedures must be followed in conducting the meeting, including prior written notice and invitations that include the child.

The summary is completed during the child's last year of high school. The specific timing during that last year is individually based on the child's postsecondary goal(s), so it may be different for all children. Ideally, the Summary of Performance should be completed near the end of the child's education program. The Summary of Performance is a document that the district is required to provide the child when the child exits high school. It is not a document that requires agreement from the parents and child. Additionally, the school must provide the Prior Written Notice PR-01 form when a child with disabilities exits high school.

For additional information, see *Understanding the Summary of Performance*, Revised 5/21/2010, Ohio Department of Education.

- **Adding a related service to an IEP**

The school district does not need to conduct a full evaluation when it is determined that only a related service needs to be added to a child's IEP. Only an evaluation in the area of need (e.g., physical therapy) is required. Prior written notice and parental consent are required if the district is conducting individual assessments to determine if a related service is needed. The ETR and the IEP may be amended using the amendment process. Neither the ETR nor the IEP needs to be rewritten. This assessment for a related service does not change the date that the current ETR must be reviewed and revised. The assessment for the related service is reviewed and revised on the same date as the current ETR.

- **Removing a related service from an IEP**

The school district does not need to conduct a full evaluation when it is determined that a related service is no longer required. The district must have data and documentation that show that the child has met all goals that required the support of the related service that will be removed. The district also must show that there are no additional future goals, based on current information, that require the support of the related service that is being removed. Once this has been determined, the district convenes the IEP team, including the parents, and the team reviews all the data and documentation that shows that the related service is no longer required to provide the child FAPE. If the parents agree to the removal of the related service and all other parts of the IEP, the district creates the new IEP or amends the existing IEP without the related service, and makes sure that the parents receive a copy of this IEP within 30 calendar days of the IEP meeting.

If the parents do not agree to the removal of the related service from the current IEP, or disagree with any other part of the IEP that is created or amended to remove the related service, the district owes the parents a prior written notice. As long as the new IEP excluding the related service does not also include a change of placement the parents have not agreed to, the district may implement the new IEP without the related service, even if the parents disagree to the removal of the related service. The parents may enter a form of conflict resolution including administrative review, mediation and requesting a due process hearing to address the

disagreement about the removal of the related service.

REQUIREMENT

3301-51-06

(D) Reevaluations

(1) General

A school district of residence must ensure that a reevaluation of each child with a disability is conducted in accordance with paragraphs (E) to (J) of this rule:

- (a) If the school district determines that the child's educational or related services needs, including improved academic achievement and functional performance, warrant a reevaluation; or
- (b) If the child's parent or teacher requests a reevaluation; or
- (c) When a child transitions from pre- school to school- aged services; or
- (d) In order to make a change in disability category

3301-51-01

(B) Definitions

(21) "Evaluation team" means the IEP team and other qualified professionals.

3301-51-07

(I) IEP team

(1) General

The school district must ensure that the IEP team for each child with a disability includes:

- (a) The parents of the child;
- (b) Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
- (c) Not less than one special education teacher of the child or, where appropriate, not less than one special education provider of the child;
- (d) A representative of the school district who:
 - (i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
 - (ii) Is knowledgeable about the general education curriculum; and
 - (iii) Is knowledgeable about the availability of resources of the school district;
- (e) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in paragraphs (I) (1) (b) to (I) (1) (f) of this rule;
- (f) At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
- (g) Whenever appropriate, the child with a disability.

3301-51-06

(F) Additional requirements for evaluations and reevaluations

(1) Review of existing evaluation data

As part of an initial evaluation, if appropriate, and as part of any reevaluation, the evaluation team shall develop an evaluation plan that will provide for the following and be summarized in an evaluation team report:

- (a) Review existing evaluation data on the child, including:

Procedures and Guidance for Ohio Educational Agencies serving Children with Disabilities

(October, 2011)

- (i) Evaluations and information provided by the parents of the child;
 - (ii) Current classroom- based, local, or state assessments and classroom- based observations;
 - (iii) Observations by teachers and related services providers;
 - (iv) Data about the child's progress in the general curriculum, or, for the preschool- age child, data pertaining to the child's growth and development;
 - (v) Data from previous interventions, including:
 - (a) Interventions required by rule 3301-35-06 of the Administrative Code; and
 - (b) For the preschool child, data from early intervention, community or preschool program providers; and
 - (vi) Any relevant trend data beyond the past twelve months, including the review of current and previous IEPs; 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:
- (i) Whether the child is a child with a disability, as defined in rule 3301-51-01 of the Administrative Code, and the educational needs of the child;
 - (ii) In the case of a reevaluation of a child, whether the child continues to have such a disability and the educational needs of the child;
 - (iii) The present levels of academic achievement and related developmental needs of the child;
 - (iv) Whether the child needs special education and related services; or
 - (v) In the case of a reevaluation of a child, whether the child continues to need special education and related services; and
 - (vi) 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 child and to participate, as appropriate, in the general education curriculum.

3301-51-06

(F) Additional requirements for evaluations and reevaluations

(4) Requirements if additional data are not needed

- (a) If, the evaluation team or the IEP team, as appropriate, determine that no additional data are needed to determine whether the child continues to be a child with a disability and to determine the child's educational needs, the school district must notify the child's parents of:
- (i) That determination and the reasons for the determination; and
 - (ii) The right of the parents to request an assessment to determine whether the child continues to be a child with a disability and to determine the child's educational needs.
- (b) The school district is not required to conduct the assessment described in paragraph (F) (4) (ii) of this rule unless requested to do so by the child's parents.

3301-51-06

(D) Reevaluations

(2) Limitation

A reevaluation conducted under paragraph (D) (1) of this rule:

- (a) May occur not more than once a year, unless the parent and school district agree otherwise; and
- (b) Must occur at least once every three years, unless the parent and the school district agree that a reevaluation is unnecessary.

3301-51-06

(G) Determination of eligibility

(1) General

Upon completion of the administration of assessments and other evaluation measures:

(b) The school district provides a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.

(i) The written evaluation team report shall include:

(a) A summary of the information obtained during the evaluation process; and

(b) The names, titles and signatures of each team member, including the parent, and an indication of whether or not they are in agreement with the eligibility determination. Any team member who is not in agreement with the team's determination of disability shall submit a statement of disagreement.

(ii) The school district must provide a copy of the evaluation team report and the documentation of determination of eligibility or continued eligibility to the parents prior to the next IEP meeting and in no case later than fourteen days from the date of eligibility determination.

GUIDANCE

Planning and conducting the reevaluation

A reevaluation can be conducted by reviewing existing data; however, if the child is not making expected progress, the district may choose to administer additional assessments to analyze areas of concern. The results of these assessments may suggest a need to modify the goals of the child's IEP or the special education services and supports that the child is currently receiving. The team also should reassess any modifications or accommodations that should be provided in order to permit the child to participate successfully to the greatest extent possible within the general education curriculum.

Reevaluation team

The team that conducts the reevaluation should include:

- The parents of the child;
- At least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment); or
- For a child less than school age, an individual qualified by the Ohio Department of Education to teach a child of the child's age;
- At least one special education teacher of the child or, when appropriate, at least one special education provider of the child;
- A representative of the school district who:
 - Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
 - Is knowledgeable about the general education curriculum; and
 - Is knowledgeable about the availability of resources of the school district;
- A person qualified to interpret the instructional implications of evaluation results who may be a related service provider such as a school psychologist, speech/ language pathologist or remedial reading teacher; and
- At the discretion of the parents or school district, other individuals, such as related service providers, who have knowledge or special expertise regarding the child.

Reevaluation conducted by reviewing existing evaluation data

In developing the plan for the reevaluation, the evaluation team should begin with a review of existing evaluation data. A review of existing evaluation data does not require parental consent.

The evaluation team will review the following data on the child including:

- Evaluations and information provided by the parents of the child;

Procedures and Guidance for Ohio Educational Agencies serving Children with Disabilities

(October, 2011)

- Data that document the child's progress as a result of special education services, and for the preschool child, data from community or preschool program providers;
- The child's performance on current classroom- based, local or statewide assessments;
- Observations by teachers and other school personnel in the classroom and in other settings that are relevant to the child's difficulties;
- Interviews with the child when appropriate;
- Data about the child's progress in the general curriculum or for the preschool- age child, data pertaining to the child's growth and development;
- Data from previous interventions and for the preschool child, data from early intervention, community or preschool program providers; and
- Any relevant trend data beyond the past 12 months and review of current and previous IEPs.

After reviewing the existing evaluation data on the child, if the evaluation team determines that no additional data are needed to determine that the child continues to be a child with a disability, and to determine the child's educational needs, the evaluation team must notify the child's parents of:

- The determination and the reasons for the determination; and
- The parents' right to request an assessment to determine whether the child continues to be a child with a disability, and to determine the child's educational needs.

The Prior Written Notice to Parents PR-01 form may be used for this notification if it includes the required information listed directly above.

While an evaluation team may conduct its evaluation review without a meeting, the team must meet with the parents if the review indicates that FAPE is not being provided to the child, and the IEP team must be reconvened immediately to rectify the situation.

The school district is not required to conduct an assessment for reevaluation unless requested to do so by the child's parents.

If the parents disagree with the reevaluation after it is completed, or the reevaluation results in a change in the child's disability category, the evaluation team again provides the Prior Written Notice to Parents PR-01 form.

Reevaluation requiring additional evaluation data

If the evaluation team determines that a review of existing data including assessments is not sufficient for conducting the evaluation, the team should identify the additional data that are needed to determine:

- The present levels of academic achievement and related developmental needs of the child;
- Whether assessments should be completed before beginning or terminating certain types of related services, such as speech language services;
- Whether the child continues to be a child with a disability and continues to require special education and related services to meet the child's educational needs; and
- 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 child's IEP and to participate, as appropriate, in the general education curriculum.

The school district must provide the Prior Written Notice to Parents PR-01 form and obtain informed parental consent (Parent Consent for Evaluation PR-05 form) before conducting any tests or assessments as part of a reevaluation of a child with disabilities, unless the district has provided notice and the parent has failed to respond to reasonable attempts to obtain consent. Tests and assessments conducted as part of a reevaluation must be completed by the three year anniversary date of the child's previous evaluation. The 60-day timeline for initial evaluations does not apply.

If the parents disagree with the reevaluation after it is completed, or the reevaluation results in a change in the child's disability category, the evaluation team again provides the Prior Written Notice to Parents PR-01 form.

Evaluation report for reevaluations

The district is required to develop a written report for reevaluations, including those conducted with the use of existing assessment data. The evaluation team report should contain, at a minimum:

- A summary of the information obtained during the reevaluation process;
- The determination of the child's continued eligibility for special education services and the basis for that determination; and
- The names, titles and signatures of each team member, including the parents, and an indication of whether they are in agreement with the eligibility determination.

Any team member who is not in agreement shall submit a statement of disagreement. The school district must provide a copy of the evaluation team report and the documentation of the determination of continued eligibility to the parents before the next IEP meeting and in no case later than fourteen days from the date of the eligibility determination.

Reevaluation required for preschool to kindergarten

Existing data regarding the child's knowledge and skills outlined in the Early Learning Content Standards (found on the education.ohio.gov Web site) and kindergarten content standards provide the team with an understanding of what a child should know and be able to do when exiting early learning community centers (ELCCs) and what the child will learn in the kindergarten environment. **Not only should academics be considered, but the child's summary of performance should be reviewed in the areas of (1) acquisition and use of knowledge and skills, (2) social- emotional competencies and (3) adaptive or self- help skills.**

LEGAL CITATION:

Federal Statutes:

20 U.S.C. 1414 (a) (2)

Code of Federal Regulations:

34 CFR §300.303

Ohio Revised Code:

3323.03

Operating Standards:

3301-51-06 (D), (F) (5)

3301-51-07

FORMS (* = required)

- Prior Written Notice to Parents PR-01*
- Parent Invitation PR-02*
- Parent Consent for Evaluation PR-05*
- Evaluation Team Report PR-06*
- Procedural Safeguards Notice - Whose IDEA is This?*

Optional:

Parent and district agree that reevaluation is not necessary

Documented Attempts to Contact Parent

Evaluation Planning Form