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# OSPI Special Education

## *Technical Assistance Paper (TAP) 5*

### Questions and Answers about Initial Evaluations and Reevaluations

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#### **Introduction**

This Technical Assistance Paper (TAP) has been developed to address commonly asked questions from parents and school districts about initial evaluations and reevaluations. The federal regulations implementing IDEA 1997 included changes to evaluation procedures. Washington adopted these procedures in its state regulations. This TAP supercedes previous OSPI guidance papers on initial evaluations and reevaluations.

Please give us your feedback at: [speced@ospi.wednet.edu](mailto:speced@ospi.wednet.edu). All TAPs are posted on our webpage at <http://www.k12.wa.us/SpecialEd/publications.aspx>.

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#### **Question #1: What are the purposes of the initial evaluation and reevaluation?**

**Answer:** A student's initial evaluation and subsequent reevaluations provide the foundation for a student's individualized education program (IEP). IEP goals and objectives must be based on evaluative data gathered through an initial evaluation or reevaluation.

Both the initial evaluation and subsequent reevaluations should be broad enough to identify all of a student's potential special education and related services needs, whether or not they are commonly linked to the student's eligibility category. In both the initial evaluation and the reevaluation, the selection of appropriate qualified professionals is vital to ensure that the district obtains data that can provide that student's IEP team with enough information to develop or revise the IEP.

#### **Initial Evaluation**

An initial evaluation is conducted when a student is suspected of having a disability that adversely impacts his or her educational performance and that the student may need specially designed instruction. The determination of how to evaluate and who should be a member of the evaluation group should be based upon information about the student from a variety of sources. These sources would include the student's teachers, parents, independent service providers and others familiar with the student. If a student is determined eligible for special education, the evaluation group will have determined that (1) the student's impairments meet an eligibility category; (2) the disability or disabilities have an adverse educational impact; and (3) the student requires specially designed instruction. After a student is determined eligible for special education services an IEP is developed within 30 calendar days.

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## **Reevaluation**

A reevaluation addresses whether the student continues to meet eligibility criteria for special education. A reevaluation also addresses the student's current educational performance and whether changes should be made to the student's services. Substantial or material changes to a student's IEP or placement require a reevaluation.

### **Question #2: When does a school district conduct a reevaluation?**

**Answer:** A reevaluation must be conducted at least once every three years, but should be conducted sooner if the parents, teachers, or a school district suspects that a student's special education needs have changed. Examples of when a reevaluation should take place prior to the three year anniversary of the last evaluation include: 1) a student is not progressing and minor adjustments to the program have not remedied the lack of progress; 2) teachers or parents believe that a student needs additional services, or no longer needs services in a particular area; or 3) the student's behaviors suggest that the placement of the student may need to be changed to a setting that is either more restrictive or less restrictive. There is no exhaustive list of when conditions warrant a reevaluation.

### **Question #3: What is a change in placement?**

**Answer:** A substantial or material alteration of a student's educational program constitutes a change in placement. The Office for Civil Rights has stated that before proposing a substantial or material change in the

amount or type of services provided to an eligible student (i.e. a change in placement), a district should conduct a reevaluation. Identifying whether a proposed change in services may be a change in placement is done on a case-by-case basis. Some situations that would indicate a change in placement are: (1) revisions to the IEP that substantially increase or decrease the amount or type of services provided to the student; (2) changing a student's setting from a more restrictive to a less restrictive setting or vice versa; 3) adding new or deleting existing services; or (4) initiating or eliminating special education services.

A district's proposal to change only the location where the student receives services, but not make any material alterations to those services, is not a change in placement. If, however, the type of service is changed, or the student's opportunity to interact with nondisabled peers is substantially increased or decreased, the proposal would be a change in placement.

### **Question #4: Are new tests always required when a reevaluation is conducted?**

**Answer:** No. The first part of the reevaluation process is to review existing data in order to determine whether additional information including new testing is needed to complete the evaluation. The review process is completed by the IEP team members and other qualified professionals. Existing data include, but are not limited to: information provided by the parents; current classroom assessments; previous evaluation results; state and district

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assessments; and observations made by teachers and service providers.

Additional testing is not needed when existing data and previous evaluations establish eligibility consistent with the student's current performance. The data from the previous evaluations and the existing data in the new reevaluation report are included when addressing the student's continued eligibility and current need for services. Parents must be notified that the district is not conducting additional tests. Parents have a right to request additional tests that address the student's eligibility for special education services if they feel additional testing is warranted.

If the IEP team and group of qualified professionals believe additional information is needed, after reviewing existing data, new assessments would be administered as part of the reevaluation process. New assessments are needed if the existing data does not address all areas of a student's current need and performance, or if the student's eligibility category is no longer appropriate.

**Question #5: Is a school district required to seek parent consent before completing new assessments as part of the reevaluation process?**

**Answer:** Yes, school districts are required to seek parent consent before conducting additional assessments. If a school district takes reasonable measures to obtain consent and the parents fail to respond to those efforts, the district may proceed with the testing. Reasonable measures to obtain consent include efforts similar to those for obtaining a mutually agreed upon time and place for

IEP meetings. The school district should keep documentation of its attempts to obtain parental consent. If the parents refuse consent, then the district should request a due process hearing to override the parents' refusal to consent. Parental consent is not required before reviewing existing data as part of a reevaluation.

**Questions #6: How are parents notified of the initial evaluation or reevaluation results?**

**Answer:** An eligibility meeting is scheduled to address the results of the evaluation report and to determine eligibility. The parents must be provided a copy of the report. An IEP meeting to develop or revise the student's IEP must be held within 30 calendar days from the meeting establishing eligibility or recommending changes to the student's services.

**Question #7: What should a service provider do if they suspect a student no longer needs services or needs more services than are currently being delivered?**

**Answer:** If a provider suspects that the services they are currently delivering to a student are no longer required or need to be increased or changed, the provider may not independently delete, increase, or alter those services. Through the reevaluation process, the IEP team and appropriate qualified professionals should review existing data to make a determination as to whether or not there is enough information to add, delete, or change the services, without the need for additional assessments. If additional testing is needed, the district obtains this information before the reevaluation is complete. The reevaluation must

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include evidence to support the change in provision of services for a student.

Example # 1: A speech and language pathologist (SLP) who is providing special education in the form of one-on-one services to a student suspects that student no longer requires the services. The student's parents support the SLP's position. Even though the parents are in agreement, a reevaluation must be conducted. The IEP team and group of qualified professionals should determine whether existing data are sufficient to complete the reevaluation, or whether additional assessments are needed. If the reevaluation supports the SLP's opinion, the decision to delete the direct services must be made by the student's IEP team. The IEP team should also consider any other recommendations made as a result of the reevaluation.

Example #2: A special education teacher who is providing specially designed instruction to a student with learning disabilities in reading is concerned about the student's performance in math. The student's IEP team could convene to review and if necessary revise the student's IEP to address the student's need for reading instruction across all content areas without the need for a reevaluation. However, if the IEP team suspects that the student requires specially designed instruction in math (i.e. math concepts, computation, math operations, etc...) due to the student's learning disabilities, the district would need to conduct a reevaluation that considers the student's needs in math instruction. The reason is because previous evaluations that established eligibility for services in reading instruction would not be sufficient to establish eligibility for the

student to receive services in the content area of mathematics beyond the need for reading instruction.

**Question #8: Does the reevaluation process increase the number of meetings required?**

**Answer:** Not necessarily. The review of the existing data to determine the need for additional testing can be done at an IEP meeting. While the regulations do not require the review to be done at a meeting, the district will need to make sure that all appropriate persons have an opportunity to review existing data. Additionally, the district could decide to hold the eligibility and IEP meeting at the same time. When meetings are combined, the district should make sure that parents are notified of the multiple purposes so they have an opportunity to prepare for the meetings.

**Question #9: May a district ever amend an existing evaluation report without the need to reevaluate?**

**Answer:** Adding an amendment or using an addendum to complete an evaluation report can be problematic because this approach does not consider the student's area of need in relation to other existing or potential service areas for the student. This can result in an inconsistent approach to the student's program, with individuals (not the evaluation group) adding and deleting services outside the context of a formal review process.

In some circumstances it may be possible to use a more limited approach to obtain additional material for the existing evaluation. There may be circumstances where the service area was either limited or anticipated to be

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finite in time. There may also be times where the district evaluated the student and shortly thereafter, the parents or teachers believed that the evaluation did not include all the areas that it should have. In these situations, it might be appropriate to add an amendment (or addendum) to the existing evaluation or reevaluation. If this approach is used, the district must verify with all members of the IEP team, and any others who would or should be involved in a reevaluation, that this is the only suspected area of service affected by the student's current needs. This approach should be the exception rather than the rule.

**Question #10: When parents provide or when the district pays for an independent educational evaluation (IEE) does a new reevaluation need to be conducted?**

**Answer:** No, but the IEE should be reviewed by the IEP team to determine whether the IEP should be revised. Recent administrative decisions have suggested that this meeting should occur within 30 calendar days from when the district receives the IEE results.

If, however, the IEP team determines that the IEE results indicate a need for more information, the district should conduct a reevaluation. The IEP team and appropriate qualified professionals should review existing data, including the IEE and identify what, if any, additional data are needed.

**Question #11: Must a school district complete a reevaluation before a student receiving special education graduates with a regular diploma or exceeds age eligibility?**

**Answer:** No, a reevaluation is not required before a student graduates with a regular high school diploma or becomes ineligible due to age. However, a school district must provide the parents or adult student with prior written notice in these instances and follow graduation requirements consistent with WAC 180-51-115 (outlining procedures for granting high school graduation credits for students receiving special education).

**Question #12: If a student has progressed to the point that special education services are no longer needed, must a school district complete a reevaluation before a student becomes ineligible for special education services?**

**Answer:** Yes, a district must conduct a reevaluation before determining that a student has progressed to a point that the student is no longer eligible for special education services. This reevaluation should include enough information to establish the student's current level of achievement and address the supports the student will need, if any, after his or her special education services end.