Policy Guidance

Special Education Reevaluation Process

Michigan Department of Education Office of Special Education
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Introduction

A student's special education needs may change throughout the course of their educational career. The reevaluation process is intended and used to assess these evolving needs, as described in the *Individuals with Disabilities Education Act* (IDEA). The purpose of this document is to underscore reevaluation requirements as set forth in the IDEA in order to support districts as they consider the reevaluation needs of students with disabilities.

When to Conduct a Reevaluation

34 CFR §300.303

A district must ensure that a reevaluation of each student with a disability is conducted in accordance with 34 CFR§§300.304 through 300.311 if —

- The district determines that the educational or related service needs, including improved academic achievement and functional performance, of the student warrant a reevaluation; or
- The child's parent or teacher requests a reevaluation.

A reevaluation:

- May occur not more than once a year unless the parent and the district agree otherwise.

- Must occur at least once every three years[1], unless the parent and the district agree that a reevaluation is unnecessary.

When the Parent and District Agree a Reevaluation Is Unnecessary

Pursuant to 34 CFR 300.303(b)(2) the parent and the district may agree a reevaluation is unnecessary to determine whether the child continues to have a disability and to determine the educational needs of the child. In order to do so, a review of existing evaluation data should be conducted to guide parents and districts through the process of determining whether any additional information or evaluations are necessary to determine continued eligibility or the educational needs of the child.

Parents who agree to waive the reevaluation may change their mind at any time and request a reevaluation. The district must then either conduct the reevaluation or provide notice to the parent as to why the district believes the reevaluation is unnecessary. The district is reminded of its ongoing and affirmative child find obligations to request parental consent to evaluate if the district determines the child's educational or related service needs warrant a reevaluation.

Review of Existing Evaluation Data

34 CFR §300.305(a)

A review of existing evaluation data is the first step of a reevaluation, which means it is a process and not just a form to fill out. A review of existing evaluation data includes a review of:

- Evaluations and information provided by the parents of the child;
- Current classroom-based, local, or state assessments and classroom-based observations; and
- Observations by teachers and related service providers.

Based on the review of existing data, the team determines any additional data needed to determine:

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[1] The three-year date for conducting a reevaluation is not reset based on an evaluation to add or remove a service.

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- Whether the student continues to have such a disability and 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 special education or related services; or

- Whether any additions or modifications to the special education and related services are needed to enable the student to meet their individualized education program (IEP) goals and to participate, as appropriate, in the general education curriculum.

- When completing the review of existing evaluation data (REED) form, the data reviewed is to be summarized in a thorough yet concise manner, so it is clear why the team determined the additional data needed or why there was no additional data needed. The REED form is a legal document and therefore should not contain references to "see" or "refer to" other documents for the data that is required to be reviewed. All data used to make the determination of whether additional data is needed should be contained within the REED document.

When Additional Data Is Not Needed

34 CFR §300.305(d), R 340.1702, R 340.1721b

When the IEP team and other qualified professionals, as appropriate, determine no additional data are needed to determine whether the student continues to be a student with a disability, and to determine educational needs, the district must notify the parent of the determination of no additional data needed and the reasons for the determination; and the right of the parents to request an assessment to determine whether the student continues to be a student with a disability, and to determine the student's educational needs.

When Additional Data Is Needed

When the IEP team and other qualified professionals, as appropriate, determine additional data are needed to determine whether the student continues to be a student with a disability, and to determine educational needs, the district must:

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- Develop an evaluation plan;

- Obtain parental consent to implement the evaluation plan;

- Administer such assessments and other evaluation measures as may be needed to produce the data identified.

34 CFR §300.306, R 340.1721a

After completing the assessments and other evaluation measures, the IEP team determines whether the student continues to be a student with a disability, as defined in 34 CFR §300.8 and the educational needs of the student.

When considering a student's continued eligibility, the IEP team must not determine a student to be eligible for special education programs and services if:

- The determinant factor for the determination is a lack of appropriate instruction in reading, including the essential components of reading instruction;

- Lack of appropriate instruction in math; or

- Limited English proficiency; and

- The student does not otherwise meet the eligibility criteria.

Special Considerations for Determining Continued Eligibility

When determining continued eligibility in a reevaluation process, the district should consider the following:

- Has the student met their IEP goals?

- What is the student's independent level of learning?

- Has the skill gap been closed at an independent level? What is the student's ability to meet state standards? Are the IEP programs/supports/services, which have been provided, necessary for the student to continue to access the general curriculum and make progress toward goals and objectives?

It is important to remember a student does not have to fail or be retained in a course or grade in order to be considered for special education and related services. However, in order to be eligible for special education services the student must:

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1. Need special education or related services because of a disability; and
2. Have met the criteria of one of the eligibility categories in R 340.1705—R 340.1717 of the Michigan Administrative Rules for Special Education.

Considerations Before a Change in Eligibility

Federal Register, 71, No. 156 pg. 46648, August 14, 2006

Before exiting a student from special education, districts must evaluate a student with a disability in accordance with 34 CFR §§300.304 through 300.311 unless the student is exiting special education due to graduation or aging out. Districts should consider the effect of exiting a student from special education who has received special education and related services for many years and how the removal will affect the student's educational progress, particularly for a student who is in the final year(s) of high school. The IEP team should consider whether the student's instruction and overall special education program have been appropriate as part of this process. When the special education instruction has been appropriate and the student has not been able to exit special education in the past, this would be strong evidence the student's eligibility needs to be maintained.

Resources

[Michigan Administrative Rules for Special Education (MARSE) with Relate IDEA Federal Regulations](#)

[Questions and Answers on Individualized Education Programs (IEPs), Evaluations and Reevaluations](#)

[Letter to Anonymous, Office of Special Education Programs, February 6, 2007](#)

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