

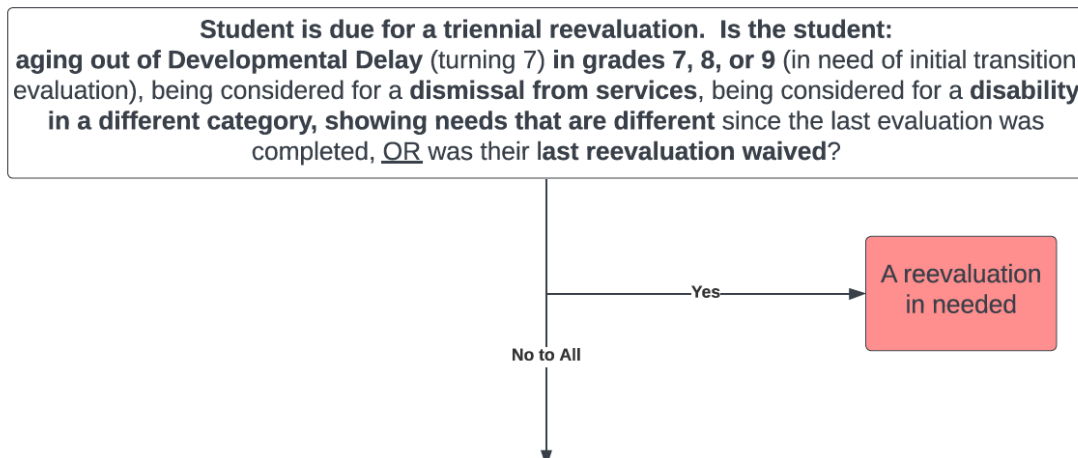
Non-Evaluation Guidance

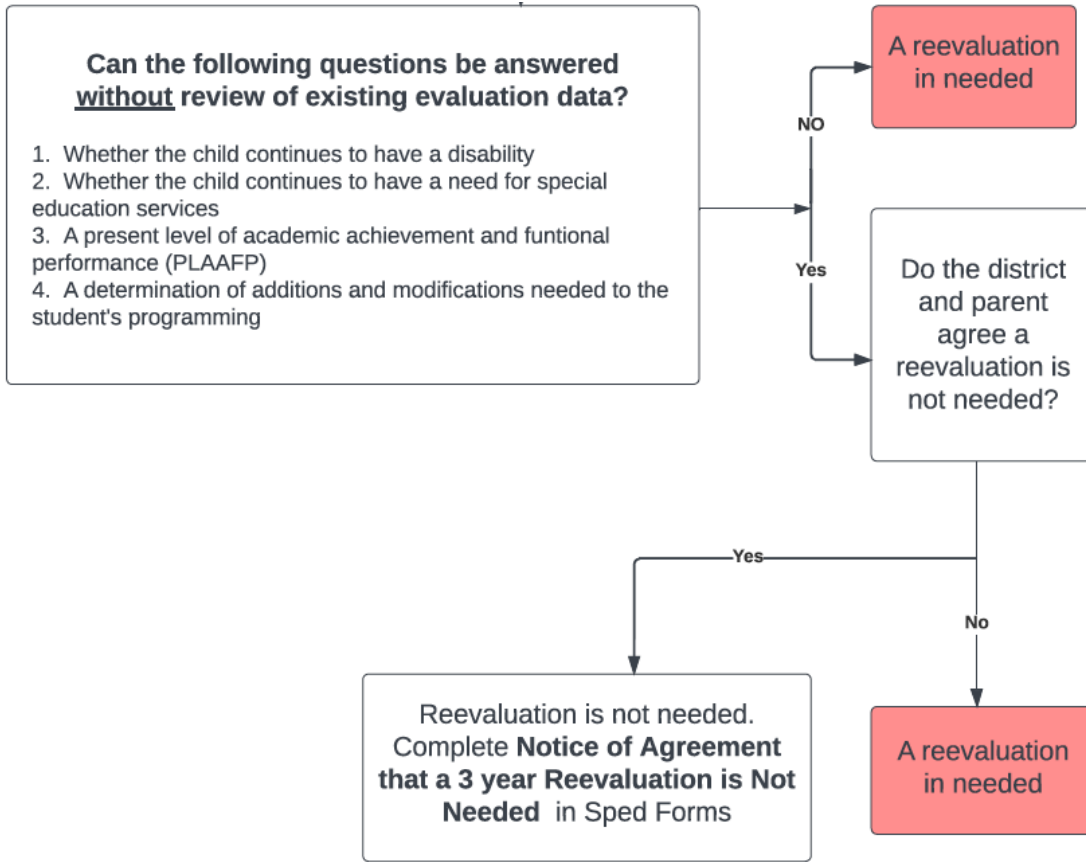
In general, reevaluations are federally mandated to occur every three years; however, there are exceptions to this rule. Before drafting a reevaluation plan, the evaluation team should use the **Reevaluation Decision Making Flowchart** to determine which option is most appropriate.

The decision to waive an evaluation should be less commonly made than the option to reevaluate, but it is permitted under federal regulations. The *Reevaluation Decision Making Flowchart* outlines conditions under which a reevaluation is required (i.e., a student turning 7 and aging out of DD eligibility, a student in need of an initial transition evaluation) and when it might be appropriate to waive a reevaluation.

River Bend Education District Special Education Reevaluation Decision Making Flowchart

Prior to proposing action to a reevaluation for a student, the evaluation team, including related service providers, should work through this flowchart to determine whether or not a reevaluation is needed and if additional assessments are necessary.





- ***If MA billing is being done with the student DHS requires testing to document medical necessity for Third Party Billing***

*The specific federal regulations, state statutes, and MN rules that specify the legal obligations associated with reevaluations are outlined in the [MDE Compliance and Assistance Q&A](#).

Essential Questions for Choosing an Option

The questions listed below are the essential questions that must be answered through the completion of any reevaluation, as indicated by federal and state requirements. Consideration of each question and the data available to answer that question will help teams determine whether or not additional assessment data is necessary or if it may be appropriate to waive an evaluation altogether.

Question 1: Does the student continue to have a disability under IDEA?

For reevaluations, a student does not have to meet initial eligibility criteria in order to continue to receive special education services. For this question, teams should consider whether the existing data clearly indicates that the behaviors and needs the student is exhibiting continue to be in alignment with the category in which they are receiving services. A reevaluation would need to be completed when considering the

presence of a new or additional disability; or there is an absence of a disability due to substantial progress and lack of discrepancy between current and expected performance

Question 2: Does the student continue to have a need for special education services?

For this question, consider the progress the student is making toward reaching grade-level expectations. Is the student making progress toward their IEP goals and are those goals aligned with grade-level targets set for their peers? If the most recent progress report indicates the student is meeting their goals, but the goal level is discrepant from general education peers, a continued need for special education services can be determined without an additional assessment being conducted.

Question 3: What are the student's present levels of academic achievement and functional performance (PLAAFP)?

Through the IEP process, the PLAAFP needs to be updated annually, which is often done through a review of existing progress monitoring data. In order to determine the PLAAFP for a student, the available data must allow the IEP team to articulate the student's strengths, needs, expectations of peers, how their disability impacts their participation in general education, and transition needs (if applicable).

In addition to updating present levels in any goal area, present levels in the areas of reading, writing, and math must also be defined. General functional performance (i.e., behavior and adaptive skills) must also be indicated, if not addressed elsewhere in the IEP. If this data is not available, additional assessment to determine present levels will be necessary.

Question 4: What additions or modifications are needed?

A primary purpose of reevaluations is determining if any additions (new services/supports) or modifications (changes to services/supports) are needed to ensure the student:

1. is making adequate progress toward meeting their annual IEP goals (**PROGRESS**); and
2. is able to meaningfully participate, as appropriate, in the general curriculum, to the extent appropriate based on their individual circumstances (**ACCESS**)

If there are concerns regarding either **progress** or **access**, the team has to decide if they have sufficient existing data to address these concerns via additions or modifications to the IEP. In other words, does existing data allow the team to confidently answer the questions below:

- Do services need to increase? Decrease? Change?
- Do IEP goals precisely target the student's needs?

- Are the accommodations, modifications, and/or AT on the IEP sufficient in supporting access? Are there too many? Too few? Is the student accepting of current accommodations, modifications, and/or AT?

If there *are* concerns regarding either progress or access and the team is *not able* to confidently answer these questions using existing data, then a reevaluation is needed.

How to Waive an Evaluation:

When the decision to waive an evaluation is determined to be appropriate, follow these steps:

Step 1: Contact Parents

- Contact the parent/guardian to explain the option to waive the reevaluation and why the district feels that option is appropriate
- The parent/guardian must be contacted well in advance of the three-year reevaluation due date in case the parent/guardian requests a reevaluation and the three-year reevaluation timeline still needs to be met
- Document the conversation in the contact log

Sample Language for Parent Contact:

- There is updated guidance from MDE that allows the team to identify students who continue to be a student with a disability with existing data, without an evaluation.
- The school team believes that there is enough existing information to make this determination.
- A Notice of Agreement will be provided to the parent/guardian. The parent/guardian can disagree with this determination as proposed in the notice. If the parent/guardian disagrees, a reevaluation will be completed.

Step 2: Complete the Notice of Agreement that a 3 Year Reevaluation is Not Needed form in SpEd Forms

- Include all required information according to the prompts to ensure proper documentation for the decision:

School: Skate-Building Opportunities for Academic Resilien Grade: 12 Birth date: 10/25/2002

Date sent: **Enter date notice is sent to parents**

Dear :

Under federal special education law, 34 C.F.R. § 300.303(b)(2), school districts are required to reevaluate children with disabilities once every three years, **unless** the child's parent and school district agree a reevaluation is not needed.

On **Enter date you communicated with parents and obtained verbal agreement for waiving the reevaluation** contacted at this time. If at any time in the future, you believe is a special education teacher.

We agree that it is **not** necessary to conduct a reevaluation to determine whether Fake continues to be a child with a disability (impairment and a need for special education) or to determine Fake's educational needs at this time.

The IEP team, including parents, has determined that additional information is not needed in order to plan for and carry out individualized special education services and supports. A reevaluation is not necessary to determine:

1. whether the student continues to have a disability;
2. whether the student continues to have a need for special education services;
3. the student's present levels of academic achievement and functional performance (PLAAFP);
4. whether additions or modifications to the student's programming are needed; and
5. whether there is a documented medical necessity for third party billing of any **List the student's primary and secondary disabilities, as applicable**

As a result of the agreement not to reevaluate, Fake will continue to be eligible for special education and related services under the

Enter the date of the student's last completed evaluation identified in the last evaluation report. The IEP team will continue to consider all relevant data, when developing IEPs for your child.

Step 3: Obtain Consent

- Once consent is received, file the document in the student's special education file and upload to SPED forms
- *Note: If verbal agreement is obtained and documented on the Notice of Agreement form, but the parent does not return the signed consent and does not express disagreement, then the team can move forward so long as the Notice of Agreement form is filed and uploaded*

Step 4: Reconcile the Evaluation Date in the SpEd Forms System

- In order to keep the dates in SpEd Forms on track, an "evaluation date" must be entered. The building school psychologist will finalize the evaluation template with the title "Waived Reevaluation"

Step 5: Hold an IEP team meeting to update the IEP

- Update the student's PLAAFP including data on all IEP goals and objectives
- Include detailed information that is currently available about the student's skills level (district-wide and state assessment data, behavior logs, progress monitoring data, data from previous evaluation reports, data from previously administered informal assessments, etc)

Frequently Asked Questions

1. If the district and parent agree to waive the three-year reevaluation, when is the next reevaluation due?

The clock for calculating the next reevaluation due date starts on the date that the parent agreed to waive the evaluation. For example, if the district and parent agreed to waive a student's three-year reevaluation on December 11, 2020, then the student's next reevaluation would be due no later than December 11, 2023.

2. Do all reevaluations need a comprehensive evaluation report?

Yes. An Evaluation Summary Report (ESR) must be completed and provided to the student's parent(s) within the evaluation timeline, even if the reevaluation consists only of a review of existing data.

At a minimum, the ESR must include a summary of all evaluation results (or the existing data reviewed and any input from the student's parent), documentation of whether the student continues to have a disability, the student's present levels of performance and educational needs that derive from the disability, whether the student continues to need special education and related services, and 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 IEP and to participate, as appropriate, in the general curriculum.

****If the parent(s) and the district agree that a reevaluation is unnecessary, the district does not need to complete an evaluation report.**

3. Can we waive a reevaluation if we do not hear back from parents after reaching out?

Maybe. If the District obtained verbal consent from a parent via an initial phone call, email or text exchange, and this conversation is documented, but then the parent does not return the signed *Agreement that a 3 Year Reevaluation is not Needed* form, the district can still proceed with waiving the evaluation so long as the documentation of the original agreement is filed.

However, if the district never obtained additional agreement through some type of contact with the parents, then the reevaluation cannot be waived as doing so requires "the district and the parent to agree" that the reevaluation is not necessary.