



# The Reevaluation Process for Students With Disabilities

IDEA 2004 and the IDEA 2006 Regulations state, "Reevaluation for students with disabilities must occur once every 3 years, unless the parent and the public agency agree that a reevaluation is unnecessary." §300.303(b)(2). However, under the PARC Consent Decree, students with intellectual disabilities must be reevaluated every 2 years in Pennsylvania. Parents of students with intellectual disabilities cannot waive this right, and there are no exceptions.

## Waiving a Reevaluation

If the local educational agency (LEA) recommends that a reevaluation is not necessary, the form titled *Agreement to Waive Reevaluation* must be provided to the parent. The LEA must indicate on the form why and/or how it has made this determination. The parent has the option to agree to waive the reevaluation or proceed with the reevaluation. A waiver of reevaluation requires written parental consent.

If the parent agrees to waive reevaluation,

- No *Reevaluation Report (RR)* is written
- No *Prior Written Notice for Reevaluation and Request for Consent Form* is issued.
- The signed *Agreement to Waive Reevaluation* is included in the student's educational record.
- A reevaluation is not required for 3 years from the date of the parent signature on the *Agreement to Waive Reevaluation*.
- There is no requirement to revise the *Individualized Education Program (IEP)* as part of this process unless the *IEP* is due for its annual review.

## Reevaluation Process

For all students (including those with intellectual disabilities), reevaluation begins with a review of existing data by the IEP team, including the parent and a school psychologist when reevaluating for autism, emotional disturbance, intellectual disability, multiple disabilities, other health impairment, specific learning disability, or traumatic brain injury. This review does not require permission from the parent nor is a meeting required. ("The group may conduct its review without a meeting." §300.305 (b)). However, the parent must be included in the review.

The data review is documented in the section titled SUMMARIZE INFORMATION REVIEWED of the *RR*. Next, the IEP team determines whether there is a need for additional data.

If the IEP team determines that no additional data are needed:

- The appropriate box on the *RR* is checked and the reason(s) written on the *RR*. Findings (based upon existing data) are summarized and conclusions regarding eligibility are made.
- A copy of the *RR* is given to the parent and the *RR* becomes part of the student's educational record. Please note, if additional data are not needed, the *Prior Written Notice for Reevaluation and Request for Consent Form* is not needed, and therefore is not part of the student's educational record.
- The student's *IEP* must be reviewed and revised within 30 calendar days of the completion of the *RR*.
- Reevaluation is not required for another 2 years for students with intellectual disabilities and for 3 years for all other students with disabilities.

If the IEP team determines that additional data are needed:

- The appropriate box on the *RR* is checked.
- The *Prior Written Notice for Reevaluation and Request for Consent Form* is provided to the parent. The LEA must indicate the reason for the reevaluation and the specific types of assessment tools, tests, and procedures that will be used. The *Prior Written Notice for Reevaluation and Request for Consent Form* is part of the student's educational record.
- The reevaluation still must be completed and presented to the parents within 60 calendar days (not including summer days) of parental consent and by the anniversary date of the previous *Evaluation/Reevaluation Report*.

- After the additional data are collected and analyzed, the findings and interpretation of the additional data are written into the *RR*. Conclusions regarding eligibility are made.
- A copy of the *RR* must be given to the parent at least 10 school days prior to the meeting of the IEP team. The *RR* becomes part of the student's educational record.
- The student's *IEP* must be reviewed and revised within 30 calendar days of the completion of the *RR*.
- Reevaluation is not required for another 2 years for students with intellectual disabilities and for 3 years for all other students with disabilities.

## What Forms Must be Completed?

### Paperwork: LEA and Parent agree to waive reevaluation process

1. A signed *Agreement to Waive Reevaluation* form is included in student's educational record.

### Paperwork: Parent orally requests reevaluation

1. Send the *Permission to Reevaluate – Reevaluation Request Form* to the parent within 10 calendar days (not including summer days) of the oral request.
2. If the LEA agrees to conduct a reevaluation, the IEP team reviews existing data. If additional data are needed, send the *Prior Written Notice for Reevaluation and Request for Consent Form* to the parent within a reasonable time of the receipt of the *Permission to Reevaluate – Reevaluation Request Form*.
3. If the LEA does not agree to conduct a reevaluation, send the *Notice of Recommended Educational Placement/Prior Written Notice (NOREP/PWN)* to the parent within a reasonable time of the receipt of the *Permission to Reevaluate – Reevaluation Request Form*.

### Paperwork: Parent requests reevaluation in writing

1. If the LEA agrees to conduct a reevaluation, the IEP team reviews existing data. If additional data are needed, send the *Prior Written Notice for Reevaluation and Request for Consent Form* to the parent within a reasonable time of the receipt of the parental request.
2. If the LEA does not agree to conduct a reevaluation, send the *NOREP/PWN* to the parent within a reasonable time of the receipt of the parental request.

### Paperwork: LEA proposes reevaluation process and team determines additional data are needed

1. Issue the *Prior Written Notice for Reevaluation and Request for Consent Form* and include it in the student's educational record. This must be completed within the 2- or 3-year timeline.
2. The completed *RR* is included in the student's educational record.
3. A newly revised *IEP* is developed within 30 calendar days after completion of the *RR* and a copy is included in the student's educational record.

### Paperwork: LEA proposes reevaluation process and team determines no additional data are needed

1. Complete and send a copy of the *RR* to the parent.
2. A newly revised *IEP* is developed within 30 calendar days after completion of the *RR* and a copy is included in the student's educational record.

For more detailed information on the reevaluation process, refer to the annotated *Reevaluation Report*.

# Commonwealth of Pennsylvania

Tom Wolf, Governor

