



Question and Answer Document

Review of Existing Evaluation Data and Reevaluation



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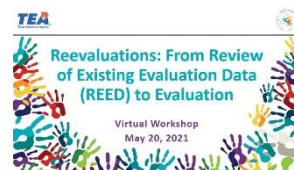
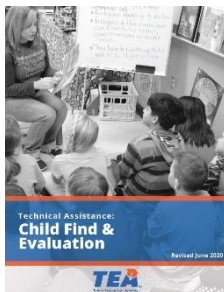
Introduction

The Child Find, Evaluation, and ARD Supports Statewide Technical Assistance Network and the Texas Education Agency have developed this document to provide technical assistance to local education agencies (LEAs). The intention of this document is to provide helpful, general information. It does not constitute legal advice nor is it a substitute for consulting with a licensed attorney. The information should not be relied upon as a comprehensive or definitive response to all specific legal situations. This document may not include a complete rendition of federal law.

The Individuals with Disabilities Education Act (IDEA) establishes the framework for reevaluations of students served in special education. It provides that an LEA must reevaluate a student served in special education if the LEA determines that the student's educational or related services needs, including improved academic achievement and functional performance, warrant a reevaluation or if the student's parent or teacher requests one. The IDEA places time limitations and requirements on when a reevaluation occurs. As part of the reevaluation, the admission, review, and dismissal (ARD) committee and other qualified personnel, as appropriate, must complete a review of existing evaluation data (REED) to help determine what additional data, if any, are needed to determine whether the student continues to require special education and related services and whether changes are needed to the services being provided.

This question and answer document is intended to provide guidance and best practices to LEAs regarding review of existing evaluation data and reevaluation.

This resource is intended to be used in conjunction with the [TEA Technical Assistance: Child Find and Evaluation](#) document and the Child Find, Evaluation, and ARD Supports Statewide Technical Assistance Network recorded webinar, [Reevaluations: from Review of Existing Evaluation Data \(REED\) to Evaluation](#).



The Child Find, Evaluation, and ARD Supports Statewide Technical Assistance Network will ensure links and information are current. Therefore, there will be times when this document will need to be revised and updated. If you ever have a question, concern, comment, suggestion, or find a broken link within this document, please email the TEA Child Find, Evaluation, and ARD Supports Statewide Technical Assistance Network at childfindtx@esc4.net.

Section 1: Review of Existing Evaluation Data

1.1 What is a review of existing evaluation data?

A review of existing evaluation data (REED) is the process of looking at a student's existing data, along with input from the parent/guardian, to determine if additional data are needed as part of an initial evaluation (if appropriate) or as part of a reevaluation. Specifically, the group conducting the REED must determine whether further assessments are required to determine:

- Whether the student has or continues to have a disability, and the educational needs of the student;
- Whether the student's present levels of academic achievement needs and related developmental needs have changed;
- Whether the student needs or continues to need special education and related services; and
- Whether the student needs any additions or modifications to the special education and related services to meet the measurable annual goals set out in the individualized education program (IEP) and to participate, as appropriate, in the general education curriculum.

1.2 Who conducts a REED?

A REED is conducted by the members of the student's admission, review, and dismissal (ARD) committee and must include the parent or adult student, LEA representative, general education teacher, special education teacher, person who can interpret instructional implications of evaluation results and other qualified personnel, as appropriate. In addition to the ARD committee members and other qualified personnel, any student eligible as a student with a visual impairment in Texas, requires an appropriately certified orientation and mobility specialist be included in the determination of the scope of a reevaluation.

1.3 Is an ARD committee meeting required when conducting a REED?

No. A REED may be conducted without holding an ARD committee meeting. It is common practice, however, for REEDs to be conducted in conjunction with an ARD committee meeting when considering a reevaluation. This enables the group to review the information together and to document the determinations made by the participants.

1.4 Is there a timeline to conduct a review of existing evaluation data?

Technically, there is no timeline for conducting the REED.

- For the three-year reevaluation, the REED should be conducted prior to the due date of the three-year reevaluation and with enough time for any requested evaluation to be completed and report written by the reevaluation due date. A best practice recommendation is that a REED be completed at least 45 school days before the three-year anniversary date. If additional data is needed, the information must be obtained prior to the reevaluation due date.
- For any other reevaluation, the REED must be completed by the timeline designated by the ARD committee.

1.5 What information is reviewed when a REED is conducted?

A review of the student's existing evaluation data must include the following information:

- The student's evaluations, including independent evaluations conducted by outside entities, and information provided by the student's parents/guardians or the adult student;
- The student's current classroom-based and local assessments, classroom-based observations, curriculum-based measurements (CBMs), criterion-referenced assessments, State of Texas Assessment of Academic Readiness (STAAR®) results, report cards, discipline reports, attendance records, medical and health records, the most recent full and individual evaluation (FIE), and any other pertinent information; and
- The teachers' and related service providers' observations of the student.

1.6 Is parental consent required before conducting a REED?

No. The LEA is not required to obtain parental consent before reviewing existing data as part of an initial evaluation or a reevaluation.

1.7 What if the group conducting a REED concludes that additional data are needed?

If the group conducting a REED determines that additional data are needed, the LEA must:

- Provide the parent/guardian or the adult student with prior written notice that describes any assessments that it proposes to conduct;
- Obtain consent from the parent/guardian or the adult student before conducting any additional assessments (except that an LEA need not obtain consent to conduct a reevaluation if it can demonstrate that it made reasonable efforts to obtain consent); and
- Administer the assessments and evaluation measures needed to produce the necessary data on or before the three-year reevaluation due date. The date the reevaluation is completed establishes the new three-year reevaluation due date.

1.8 What if the group conducting a REED concludes that no additional data are needed?

If the group conducting a REED determines that no additional data are needed, the LEA must notify the student's parent/guardian or the adult student in writing of:

- The group's determination and the reasons for the determination and
- The right to request an evaluation to determine whether the student continues to have a disability and to determine the student's educational needs.

If the parent/guardian or the adult student does not request additional evaluation, the LEA is not required to conduct further evaluation, and the REED may constitute the student's three-year reevaluation. The date of the REED establishes the new three-year reevaluation date.

1.9 Even though the parent/guardian was a member of the ARD committee when the determination was made that no additional data was needed, does the parent/guardian still need to be notified?

Yes. If the group conducting a REED determines that no additional data are needed, the LEA must notify the student's parent/guardian or the adult student in writing of:

- The group's determination and the reasons for the determination and
- Their right to request an evaluation to determine whether the student continues to have a disability and to determine the student's need for special education and related services.

1.10 When a child is referred from Early Childhood Intervention (ECI), are we required to conduct a REED?

A REED is required as part of an initial evaluation, if appropriate, including an initial evaluation for a child referred from ECI. In most situations it would be appropriate to collect and review all existing evaluation data on a child as part of an initial evaluation from ECI to assist in determining eligibility.

1.11 How is a REED conducted for an initial evaluation?

In planning the initial evaluation, the multidisciplinary team reviews existing data.

If the student was previously evaluated, and the ARD committee did not determine the student eligible for special education and related services, but then the student is referred again in a subsequent year, the multidisciplinary team, if appropriate, would review the existing evaluation data and determine what additional data is necessary to complete a comprehensive evaluation.

If an outside evaluation is provided by the parent/guardian and a disability is suspected, conducting a REED may be appropriate to determine what additional data, if any, is needed to determine if the child is a child with a disability and the educational needs of the child.

1.12 If the ARD committee suspects a new or different disability, does a REED need to be completed?

Yes. The ARD committee and other qualified professionals, as appropriate, must review existing evaluation data on the student and, based on that review, including input from the student's parents/guardians, identify what additional data, if any, are needed to make an informed decision regarding the identification of a different disability or an additional disability.

1.13 For students with an Other Health Impairment (OHI), should new data and information be gathered from the licensed physician for a REED as part of a reevaluation?

It depends. If the student's medical symptoms or medical condition(s) have changed, then it may be necessary to gather additional data from the licensed physician to document any changes in strength, vitality, or alertness that adversely affects the student's educational performance. If the student's medical condition appears to be unchanged and the previous OHI data and licensed physician information captures the student's current medical presentation, then it would not need to be updated. Note: An OHI "form" is not included in statute as a required source of data; however, many LEAs request this form to be completed by a licensed physician as a means to document information from the licensed physician.

Section 2: Reevaluation

2.1 Who conducts a reevaluation?

Although a reevaluation does not have to be conducted exactly as the initial evaluation, the evaluation procedures specified in IDEA still must be followed. Therefore, assessments and other evaluation materials must be administered by trained and knowledgeable personnel – this may include teachers, an educational diagnostician, licensed specialist in school psychology (LSSP), speech language pathologist (SLP), or other personnel with specializations in the areas of assistive technology, occupational therapy, physical therapy, visual impairment, deaf or hard of hearing, or other areas. In addition, the team must include information provided by the parent/guardian.

2.2 When must a reevaluation be conducted?

A reevaluation may not occur more than once a year unless the parent and the LEA agree otherwise and must occur at least once every three years unless the parent and the LEA agree that a reevaluation is unnecessary.

The LEA must ensure that a reevaluation of each student with a disability is conducted when:

- The LEA determines the student’s educational or related services needs, including improved academic achievement and functional performance, warrant a reevaluation;
- The student’s parent/guardian or teacher requests a reevaluation;
- The ARD committee is determining whether the student continues to be a student with a disability; or
- An evaluation as part of the summary of performance for students graduating is required.

2.3 What must be included in the reevaluation?

The reevaluation is a written report/summary of the student’s current functioning and special education and related services needs. The reevaluation must include data/information, including assessments and other evaluation measures, specified from the REED. If additional data is necessary, then evaluation procedures [[34 CFR, §§300.304-300.311](#)] must be followed.

2.4 May the deadline for a student’s three-year reevaluation be extended by the LEA or parent/guardian?

No. Nothing in statute, rule, or regulation allows an LEA and a parent/guardian to agree to extend the three-year deadline for a reevaluation. IDEA ([34 CFR §300.303\(b\)\(2\)](#)) is clear that a student must be reevaluated at least once every three years unless the parent/guardian and district agree that a reevaluation is not needed.

2.5 Is there a specified timeline to conduct an ARD committee meeting following completion of a reevaluation?

No. There is not a specified timeline in state or federal regulation when it comes to reviewing the reevaluation.

Therefore, the decision as to when an ARD committee comes together to review the reevaluation and make any updates or changes to the IEP is a local one. The LEA should consider the reason(s) for the reevaluation, and the impact and relevance of the information obtained to the student’s IEP when scheduling a timely review.

2.6 When considering dismissal from special education, must the LEA ensure that the reevaluation includes additional data (i.e., new testing)?

It depends. As part of the reevaluation, the REED data should reveal what additional data is necessary, if any, to determine if the student continues to have a disability and the student's educational needs as a result of the disability or if the student continues to need special education and related services. If the ARD committee members and other qualified professionals, as appropriate, determine no additional data is necessary, then the data/information gathered for the REED could be formulated into a written report identifying the student as no longer a student with a disability. In this instance, the LEA must notify the parent/guardian of the determination that no additional data is needed and the reasons for the determination, as well as the right of the parents to request an assessment to determine whether the student continues to be a student with a disability.

2.7 Is a reevaluation required when a student's eligibility ends due to graduation?

No. Graduation with a high school diploma that is fully aligned with state standards or a higher diploma (i.e., regular high school diploma) terminates a student's eligibility for special education services, and a reevaluation is not required.

However, a summary of performance (SOP) must be provided. An SOP is required for students whose eligibility is terminated due to graduation with a regular high school diploma or exceeding the age of eligibility (21 years of age).

An evaluation must be included as part of the summary of performance for students graduating under the Foundation High School Program or the Minimum High School Program with at least one course containing modified curriculum or for whom satisfactory performance on the end of course assessments is not necessary. How the evaluation is included in the SOP is left to the discretion of the LEA.

If the student's evaluation is current, there is not a requirement to conduct a new evaluation. The current evaluation will be one of the sources of data utilized in writing the SOP.

For further information about summary of performance, you may access the [TEA Technical Assistance: Child Find and Evaluation](#) and the [Student-Centered Transition Network Summary of Performance Fact Sheet](#)

2.8 If a student has an initial evaluation completed one year and does not meet eligibility for special education and is subsequently referred for an evaluation in another school year, is the subsequent evaluation considered an initial evaluation or a reevaluation?

If the student was evaluated, but the ARD committee did not determine the student eligible for special education and related services, the subsequent evaluation would be considered a Full and Individual Initial Evaluation (FIIE). The multidisciplinary team would want to review the existing evaluation data and determine what additional data is necessary to complete a comprehensive FIIE.

2.9 An initial evaluation was conducted, and the student did not qualify for special education services due to no need for special education and related services. A year later, the school refers the child for evaluation. Does new testing need to be conducted?

It depends. It is recommended that a REED is conducted to determine whether additional data is needed to determine if the student is a student with a disability under IDEA and whether the student needs special education and related services.

2.10 If a reevaluation is conducted and the student no longer qualifies in one or all areas, is an ARD committee meeting necessary, or can the student be dismissed through an amendment?

Eligibility determinations, changes of placement, and manifestation determination reviews cannot be conducted through the amendment without a meeting process. Any reevaluation that may result in a change in eligibility must be addressed by the ARD committee as part of a properly constituted ARD committee meeting.

2.11 If the LEA has attempted to obtain consent, but the parent/guardian fails to respond to provide consent for a reevaluation, can the LEA proceed with the reevaluation without due process?

The LEA must make reasonable efforts to obtain informed consent for a reevaluation. If the parent does not respond, despite reasonable efforts, the reevaluation can proceed. Reasonable efforts are described as detailed records of telephone calls and the results of those calls, copies of correspondence sent to parents and any responses received, and detailed records of visits to the parent/guardian's home and/or place of work and the results of those visits. Notice that the reasonable efforts listed are plural, so this indicates multiple attempts via multiple methods. Note that this is not a circumstance where the parent/guardian has refused to provide consent. An LEA may only move forward with the reevaluation without due process when the parent/guardian fails to reply at all.

2.12 What if the parent/guardian refuses consent for a reevaluation?

If the student is enrolled in an LEA and the parent/guardian refuses to provide consent for the reevaluation, the LEA may (but is not required to do so) pursue consent override procedures (mediation or due process procedures). If the LEA chooses not to pursue mediation or due process, they are not in violation of their obligation under child find and evaluation procedures requirements.

However, when the student is enrolled in a private school or homeschooled, the circumstances are different. If the parent/guardian of a student enrolled in a private school or is homeschooled refuses consent, the LEA may not pursue consent override procedures.

In both circumstances, LEAs should document efforts to obtain parental consent. This could be in the form of written logs, certified mail receipts, email correspondence, or other methods of documentation.

Glossary

Term	Definition
<p>ARD Committee</p> <p>ARD Committee Meeting</p>	<p>* ARD Committee – A committee composed of a child's parent; the child, when appropriate; and specified school personnel who are involved in the education the child, as required by 34 CFR 300.321 and 19 TAC 89.1050. The ARD committee determines a child's eligibility to receive special education services and develops the child's individualized education program (IEP). The ARD committee is the IEP team defined in federal law.</p> <p>*ARD committee meeting – A meeting of the ARD committee to address issues related to the student, including the annual review of the student's special education program that includes an update of the student's progress, a review of the current IEP, and development of a new IEP for the upcoming year. The ARD committee may also meet to, among other reasons, revise a student's IEP prior to the annual review if appropriate.</p>
<p>FIIE Full and Individual Initial Evaluation</p> <p>FIE Full and Individual Evaluation</p>	<p>*A comprehensive evaluation that consists of data gathered from multiple sources for the student being considered for special education and related services. An LEA must conduct an FIIE before the initial provision of special education and related services are provided to a student with a disability.</p> <p>After the initial evaluation (FIIE), each subsequent reevaluation for a student receiving special education and related services is referred to as a full and individual evaluation (FIE).</p>
<p>IDEA Individuals with Disabilities Education Act</p>	<p>*The federal law that provides assistance to states for the education of children with disabilities. This law defines "child with a disability" as a child who has one of the disabilities under IDEA and who, because of that disability, requires special education and related services. IDEA gives every child with a disability the right to a free appropriate public education (FAPE). Part C of the IDEA requires services to begin at birth and extends until the child turns three. Early Childhood Intervention programs deliver Part C services. Part B of the IDEA requires services for children from ages three through 21. In Texas, students with visual and/or auditory impairments are eligible for FAPE from birth.</p> <p>For more information on Part B and Part C, visit the U.S. Department of Education IDEA website.</p>
<p>IEP Individualized Education Program</p>	<p>*A written statement of the education program for each child with a disability that is developed, reviewed, and revised by the student's admission, review, and dismissal (ARD) committee, of which parents are active members. The IEP includes specific information about the student's present levels of academic achievement and functional performance (PLAAFP), participation in state and district-wide assessments, transition services, annual goals, special factors, special education, related services, supplementary aids and services, extended school year services, and least restrictive environment, among other things.</p>

Term	Definition
LEA Local Education Agency	<p>*A public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools. LEAs include public school districts and open enrollment charter schools.</p>

*Retrieved/adapted from The Legal Framework for the Child-Centered Educational Process <http://framework.esc18.net> (May 2021)

Resources

Child Find, Evaluation and ARD Supports Statewide Technical Assistance

[Informed Consent](#)

[Reevaluations](#)

[Review of Existing Evaluation Data](#)

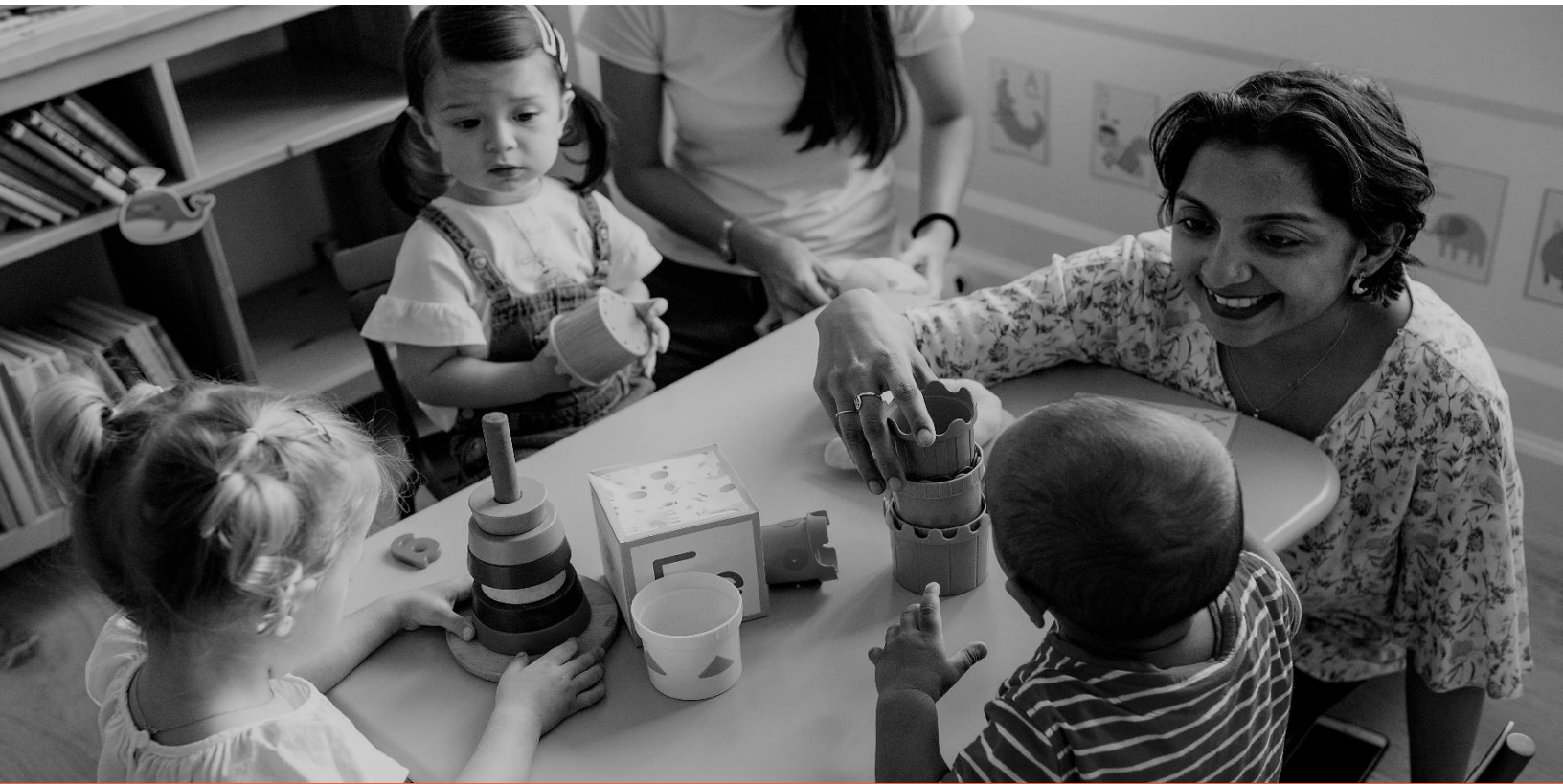
The Legal Framework for the Child-Centered Special Education Process

[Evaluation Procedures](#)

[Review of Existing Evaluation Data](#)

[Consent for Reevaluation](#)

Student-Centered Transition Network [Summary of Performance Fact Sheet](#)



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