

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.

Reevaluation Process

The local educational agency (LEA) must issue the *Prior Written Notice for a Reevaluation* form to the parent to inform them that a reevaluation is going to occur. This form does not need to be returned to the LEA. For all students (including those with intellectual disabilities), reevaluation begins with a review of existing data by the individualized education program (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. However, the parent must be included in the review.

The data review is documented in the section titled SUMMARIZE INFORMATION REVIEWED of the *Reevaluation Report (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 *Request for Consent for a Reevaluation* 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 or for another 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.
- Issue the *Request for Consent for a Reevaluation* form. The LEA must indicate the reason for the reevaluation and the specific types of assessment tools, tests, and procedures that will be used. The *Request for Consent for a Reevaluation* 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 Date of Report on the *RR*. During the *RR* process, the *IEP* must not lapse.
- Reevaluation is not required for another 2 years for students with intellectual disabilities or for another 3 years for all other students with disabilities.

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 a Reevaluation* 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.
- The *Agreement to Waive Reevaluation* must be dated and received before the anniversary date of the *Evaluation/Reevaluation Report*.

What Steps Must be Completed?

Parent requests reevaluation

1. If the LEA agrees to conduct a reevaluation, the IEP team issues the *Prior Written Notice for a Reevaluation* before reviewing existing data. If additional data are needed, send the *Request for Consent for a Reevaluation* form to the parent within a reasonable time of the receipt of the parental requests.
2. If the LEA does not agree to conduct a reevaluation, send the *Notice of Recommended Educational Placement (NOREP)/Prior Written Notice (PWN)* to the parent within a reasonable time of receipt of the parental request.

LEA proposes reevaluation process and team determines additional data are needed

1. To initiate the *RR* process, issue the *Prior Written Notice for Reevaluation* form.
2. Issue the *Request for Consent for a Reevaluation* form and include it in the student's educational record. This must be completed within the 2- or 3-year timeline.
3. The completed *RR* is sent to the parent and included in the student's educational record.
4. A newly revised *IEP* is developed within 30 calendar days of the Date of Report on the *RR*.
5. A copy of the *IEP* is sent to the parent, as well as included in the student's educational record.

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

1. To initiate the *RR* process, issue the *Prior Written Notice for Reevaluation* form.
2. If it is determined that no additional data are needed, complete the *RR* and send a copy of the completed *RR* to the parent.
3. A newly revised *IEP* is developed within 30 calendar days of the Date of Report on the *RR*. A copy of the *IEP* is sent to the parent and is included in the student's educational record.

LEA and Parent agree to waive reevaluation process

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

For more detailed information on the reevaluation process, refer to the [annotated *Reevaluation Report*](#).



Commonwealth of Pennsylvania

Josh Shapiro, Governor

