

IX. Reevaluation

IDEA Regulations: Reevaluations

Section 300.303 Reevaluations

(a) General. A public agency must ensure that a reevaluation of each child with a disability is conducted in accordance with §§300.304 through 300.311 —

1. If the public agency determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or
2. If the child's parent or teacher requests a reevaluation.

(b) Limitation. A reevaluation conducted under paragraph (a) of this section —

1. May occur not more than once a year, unless the parent and the public agency agree otherwise; and
2. Must occur at least once every 3 years, unless the parent and the public agency agree that a reevaluation is unnecessary.

Section 300.305 Additional requirements for evaluations and reevaluations

In case of a reevaluation of a child, whether the child continues to have such a disability, and the educational needs of the child;

i. The present levels of academic achievement and related developmental needs of the child;

ii.

A. Whether the child needs special education and related services; or

B. In the case of a reevaluation of a child, whether the child continues to

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92 NAC 51-006.05

006.05A. A school district or approved cooperative shall ensure that a reevaluation of each child with a disability is conducted in accordance with the verification procedures in Section 006 of this Chapter:

006.05A1. If the school district or approved cooperative determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant, a reevaluation; or

006.05A2. If the child's parents or teacher requests a reevaluation.

006.05B. A reevaluation conducted under subsection 006.05 of this Chapter:

006.05B1. May occur not more than once a year, unless the parent and the school district or approved cooperative agree otherwise; and

006.05B2. Must occur at least once every three years, unless the parent and the school district or approved cooperative agree that a reevaluation is unnecessary.

92 NAC 51-006.03

006.03G. For a school age child who after initial MDT evaluation does not qualify for special education services or for a child with a verified disability who upon reevaluation no longer qualifies for special education services, a problem solving team shall document a plan to assist the teacher(s) in the provision of regular education.

006.06 Review of Existing Evaluation Data

006.06A As part of an initial evaluation (if appropriate) and as part of any reevaluation,

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need special education and related services; and

- iii. Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general education curriculum.

(b) Conduct of review. The group described in paragraph (a) of this section may conduct its review without a meeting.

(c) Source of data. The public agency must administer such assessments and other evaluation measures as may be needed to produce the data identified under paragraph (a) of this section.

(d) Requirements if additional data are not needed.

1. If the IEP Team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the child continues to be a child with a disability, and to determine the child's educational needs, the public agency must notify the child's parents of—
 - i. That determination and the reasons for the determination; and
 - ii. The right of the parents to request an assessment to determine whether the child continues to be a child with a disability, and to determine the child's educational needs.
2. The public agency is not required to conduct the assessment described in paragraph (d)(1)(ii) of this section unless requested to do so by the child's parents.

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the IEP team and other qualified professionals as appropriate, shall:

006.06A1 Review existing evaluation data on the child, including 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 services providers; and

006.06A2 On the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine:

006.06A2a Whether the child is a child with a disability, as described in 92 NAC 51-003.08, and the educational needs of the child, or, in case of a reevaluation of a child, whether the child continues to have such a disability and such educational needs;

006.06A2b The present levels of academic achievement and related developmental needs of the child;

006.06A2c Whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services; and

006.06A2d Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the individualized education program of the child and to participate, as appropriate, in the general education curriculum.

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<p>(e) Evaluations before change in eligibility.</p> <ol style="list-style-type: none"> 1. Except as provided in paragraph (e)(2) of this section, a public agency must evaluate a child with a disability in accordance with §§300.304 through 300.311 before determining that the child is no longer a child with a disability. 2. The evaluation described in paragraph (e) (1) of this section is not required before the termination of a child’s eligibility under this part due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for FAPE under State law. 3. For a child whose eligibility terminates under circumstances described in paragraph (e)(2) of this section, a public agency must provide the child with a summary of the child’s academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child’s postsecondary goals. 	<p>006.06B The school district or approved cooperative shall administer such assessments and other evaluation measures as may be needed to produce the data identified by the IEP team under 92 NAC 51-006.06A2.</p> <p>006.06C The IEP team and other qualified professionals may conduct its review without a meeting</p>

District Considerations for Policy and Procedure Development

Sample district policy statements

All evaluations (initial evaluations and reevaluations will be completed by multidisciplinary qualified professionals and will follow Federal and state regulations. The documented results of the evaluation will be provided to parents and included in student files. The district will purchase a variety of assessment instruments to ensure district teams have access to appropriate measures to complete evaluations. The district will follow publisher guidelines for assessments (professional qualifications, use of materials, interpretations) and will not use outdated tools. All past evaluations will be reviewed before making decisions regarding current evaluation or reevaluation needs. The district will identify procedures to audit a sampling of evaluations to ensure regulations are followed.

Procedural considerations

Consider breaking down tasks and identifying who is responsible, timeframes, and forms needed for initial evaluations and reevaluations.

- Reevaluation planning and completion
 - » When should reevaluations be completed? (e.g., every 3 years, when a parent or team suspects a different disability or change in eligibility, transfer student from out of state, or transfer student with questionable eligibility, etc.)
 - » What are the procedures for students who transfer into a school from within district, state, and out of state?
 - » How and when are file reviews conducted? What forms are used and who completes them?
 - » Who is responsible for communicating reevaluation needs to parent?
 - » How are team decisions documented?
 - » How are consents for evaluation documented?
 - » What are the steps for assessment planning if applicable?
 - » What are the steps if a parent refuses assessment as part of the reevaluation?
 - » How are results documented and reported to the team?
 - » Who acts as the interpreter of test results?
 - » Who is responsible for the notices and meeting documents? (e.g., invitation, verification document, prior written notice, etc.)