

Referrals and Evaluations Questions and Answers

What does “consent” mean?

Consent means that the parent has been given all information relevant, understands and agrees in writing to the activity, and understands that granting consent is voluntary on the part of the parent and may be revoked at any time.

When must informed, written consent be obtained?

Parental consent for an evaluation is required before the district conducts an initial evaluation to determine whether a student is eligible for special education and related services.

Can a parent provide informed, written consent for some parts of an evaluation but not others?

No. Although the district’s written notice must include a description of the proposed evaluation procedures, the proposal itself reflects the single action of conducting a comprehensive evaluation. Therefore, the parent provides consent or refuses consent for the evaluation as a whole.

Are general education interventions required before a school district can refer a school-age student for an evaluation?

No. Districts are not required to implement general education interventions and observations prior to referring a student for evaluation under the following circumstances:

- The student is suspected of being gifted
- The student is being considered for eligibility as a student who is homebound or hospitalized
- The student is not enrolled in public school (i.e., the student is enrolled in a private school or in a home education program)

In addition, the general education intervention requirements related to parent involvement, observations, and evidence-based interventions are not required if the team of qualified professionals and the parent determine that the nature or severity of the student’s area of concern make the procedures inappropriate to address the immediate needs of the student.

What is the district’s obligation when a parent requests an evaluation while the MTSS team is implementing general education interventions?

If the parent requests that an evaluation be conducted, the district must obtain consent and complete the evaluation within the 60-day timeline. As a fundamental component of a comprehensive evaluation, the MTSS process would continue. Based on the areas of concern and additional information the team needs, one or more standardized, norm-referenced assessments may be administered. In some cases, standardized assessment will not be required,

and multiple sources of formative assessment data used within the MTSS process, including review of existing data, will comprise the comprehensive evaluation.

If the district determines that there is a compelling reason to refuse the parent's request for evaluation, the parent must be provided a written notice of refusal that includes an explanation of why the district is refusing to conduct the evaluation; a description of each evaluation procedure, assessment, record, or report that the district used as a basis for its refusal; a description of other options considered and why they were rejected; and any other factors relevant to the district's decision.

If a student exhibits difficulty in one academic area but not in another must the evaluation address all academic areas?

No. The student must be assessed in all areas of suspected disability. Targeted interventions would be implemented in the identified area(s) of concern and the team would collect progress-monitoring data on the student's response to those interventions prior to conducting an evaluation.

What is the timeline for completing an initial evaluation?

For students enrolled in school, the initial evaluation to determine if the student has a disability must be completed within 60 calendar days which the student is in attendance after the school district receives parental consent for an evaluation.

The 60-day timeline for evaluation does not apply if any of the following occurs: The parent repeatedly fails or refuses to produce the student for the evaluation. The student enrolls in a school served by the school district after the timeline has begun and prior to an eligibility determination, if the current school district is making sufficient progress to ensure a prompt completion of the evaluation and the parent agrees to a specific timeline for completion.

If a student is already eligible for ESE services under one disability category and the team suspects that the student may also be eligible under another disability category, must the student be reevaluated to "add or change" the additional category?

A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. However, to add or change a disability category, the student must be re-evaluated.

Once a parent has provided consent for a student to receive ESE services, can the parent revoke that consent?

Yes. A parent of a student with a disability who has been receiving specially designed instruction and related services may revoke consent for such services. The revocation cannot be for some services but not others. If consent for services is revoked, the district is not considered out of compliance with IDEA for failure to provide FAPE to an otherwise eligible student.

The following procedures apply to parental revocation of consent:

The parent's request for revocation must be in writing. The district must provide the parent with prior written notice of change of FAPE/placement before ceasing services. The district cannot continue to provide special education and related services to the child. Revocation of consent constitutes dismissal from ESE services as a student with a disability. The district is not required to convene an IEP team or develop an IEP for further provision of special education and related services for the student. The district is not required to amend the child's education records to remove any reference to the child's previous receipt of such services.

When is a reevaluation required?

There is no requirement for reevaluation of a student identified solely as gifted. However, an ESE student with a disability must be reevaluated: At least once every three years, unless the parent and the school district agree that no reevaluation is needed

- If the school district determines that the educational or related services needs of the student, including improved academic achievement and functional performance, warrant reevaluation
- If the parent or teacher of the student requests reevaluation

Reevaluation may not occur more than once per year, unless the parent and the school district agree otherwise.

What are the minimum requirements for conducting a reevaluation?

As part of any reevaluation, the IEP team, including the parent, must review existing evaluation data on the student by teachers and related services providers and input from the parent. Based upon that review, the team must decide whether any additional data are needed to determine:

- Whether the student continues to have a disability
- The educational needs of the student
- The present levels of academic achievement and related developmental needs of the student
- Whether the student continues to need special education and related services
- Whether any additions or modifications to the special education and related services are required to enable the student to meet the measurable annual goals set forth in the student's IEP and to participate, as appropriate, in the general curriculum

If the IEP team determines that no additional assessment is needed, the district must notify the parent of that decision and the reasons for it, and that the parent has a right to request an assessment.

Is informed, written consent from a parent required to conduct a reevaluation?

Informed, written consent is not required for the IEP team to review existing data as part of a reevaluation. If the team determines that additional information is needed the district:

Must seek parental consent prior to conducting a reevaluation

May conduct the reevaluation without consent of the parent if the district can demonstrate that it made reasonable efforts to obtain consent and the parent failed to respond.

Is a reevaluation required prior to dismissing a student from ESE services?

The reevaluation process must be followed before determining that a student is no longer eligible for ESE services. In conducting the reevaluation, the IEP team reviews available data and determines whether additional information is needed to determine if the student continues to be a student with a disability in need of special education and related services. A student must be dismissed from ESE services for students with disabilities if, upon reevaluation, it is determined that the student no longer has a disability; continues to have a disability but no longer needs special education and related services (i.e., the student's needs can be met solely through general education resources), continues to have a disability but only needs related services and does not need special education services. Dismissal from ESE is considered a change in identification and placement for which prior written notice must be provided. If a student is determined no longer to be eligible under one disability category but is eligible under another, this does not result in dismissal.

How are the due dates for reevaluations determined?

Reevaluation due dates are established as follows:

- The due date for the first triennial reevaluation is the three-year anniversary date of the last assessment administered or data collected during the initial evaluation process
- The due date for subsequent reevaluations is the three-year anniversary date of the completion of the previous reevaluation process
- “Completion” of the previous reevaluation is defined as:
 - If formal assessment or additional data collection was required (i.e., if parent consent to collect additional data was obtained), the date the last assessment was administered or data was collected
 - If no additional information was required, the date that decision was made