

Guidance for Applying New Criteria in Re-Evaluations

To ensure compliance with the requirements of the Individual's with Disabilities Education Act (IDEA 2004), three-year re-evaluation teams must systematically review the implementation and appropriateness of the IEP and the student's progress in relationship to the goals and interventions established by the IEP.

Steps:

Districts will use the Review of Existing Education Data (REED) format to determine the need to conduct a comprehensive re-evaluation.

- If the student is demonstrating slow progress and requires extensive support from special education, then a re-evaluation may not be indicated, and must be documented on the REED.
- If a parent or team member is requesting evaluation to consider a change in eligibility, a re-evaluation consisting of a full and individual evaluation must be conducted.
- A re-evaluation IEP must be held within three (3) years of the initial or last re-determination IEP meeting, but more often if conditions warrant (i.e., at the request of the student's parent or teacher).

The team must work from the premise of "First, do no harm".

The team must always consider the student's ability to benefit from instruction without special education services in making re-determination decisions.

Application of Previous Criteria: The team will need to review the criteria under which the student was initially identified as a student with a specific learning disability. If, when the criteria are applied relative to present student performance, it appears to be most beneficial to the student to continue to apply the previous criteria, then the recommendation of the team must be to apply the previous criteria.

Application of New Criteria: If the application of the new criteria, in combination with current performance data seems to provide a more relevant and appropriate schema for defining the student's ability to benefit from instruction and the student will not lose the benefits of a free appropriate public education by the change in criteria, then the team may choose to apply the new criteria.