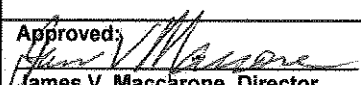


MISSISSIPPI DEPARTMENT OF HUMAN SERVICES DIVISION OF YOUTH SERVICES JUVENILE INSTITUTIONS	
Subject: Special Education: Three-Year Re-evaluation	Policy Number: 7
Number of Pages: 12	Section: XII
Attachments A. Reevaluation Tracking Log B. Parental Consent for Evaluation/Reevaluation Form C. Reevaluation Summary Report/Eligibility Determination Form D. Reevaluation Narrative E. Accommodations Documentations F. Parent Notification Forms (See Forms XII.3 L,M,O) G. IEP Form (See Form XII.6.K)	Related Standards & References Individuals with Disabilities Education Act Amendment of 2004 (IDEA '04) and Regulations Mississippi Department of Education, Office of Special Education Policies (2013) Mississippi Department of Education, Office of Special Education Procedures (2016) Mississippi Nonpublic School Accountability Standards, 2004
Effective Date: 06/09/2006, Reviewed 10/06/08, 12/15/10, 06/09/14, Revised 02/01/17	Approved:  James V. Maccarone, Director

I. POLICY

It is the policy of the Mississippi Department of Human Services, Division of Youth Services (MDHS/DYS) that at least once every three (3) years the student's eligibility for special education be reviewed to determine if continued services are needed and if the current eligibility ruling is appropriate.

II. DEFINITIONS

As used in this policy, the following definitions apply:

- A. Assessment Team or Multi-disciplinary Evaluation Team (MET)** - The Assessment Team or the Multi-disciplinary Evaluation Team is a group of mandated evaluators responsible for evaluating a student and making a recommendation of eligibility to the IEP Team. According to standards outlined by Mississippi Department of Education, the team will consist of, at minimum, the following qualified professionals (except as noted below for a Language/Speech only disability: an individual qualified to administer and interpret a standardized intelligence test; an individual qualified to administer and interpret standardized assessment instruments that indicate present levels of performance, educational programming needs and the presence of a disability; one or more individuals who have knowledge of the suspected disability; typical child development and functioning and intervention design and general education curriculum. When only language speech delays are noted, the language/speech examiner at at least one individual qualified to administer and interpret standardized intelligence tests or standardized assessment instruments that indicate present levels of performance, educational programming needs and the presence of a disability are required.

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B. Assessment Team Report – The Assessment Team Report is a compilation of all assessment data that documents whether or not the student meets state criteria for eligibility for special education services. State rules require specific information for each area of disability that must be included in the Assessment Team Report to support a decision of eligibility or ineligibility for special education services. Data from the five following areas must be included: physical, including hearing and vision, general physical condition, orofacial examination and gross and fine motor; language/speech; social/behavioral, including interpersonal relationships and adaptive behavior; emotional and education, including visual and auditory perception, achievement and cognitive abilities.

C. Individualized Education Program Committee – The Individualized Education Program Committee is the group responsible for the determination of a student’s special education programming. Members of the team include the following individuals: at least one special education teacher, a regular education teacher (if the student is participating in the general education curriculum), parent/ guardian, and an agency representative. Other disciplines including counselors, representatives from community agencies, and related service providers may be included on IEP Team. The team designs the student’s educational program to address specific educational needs, accommodations and modifications needed, and transition goals. The committee is responsible for determining the student’s least restrictive environment, whether the student will participate in state testing and to what degree and related services needed. The IEP Committee utilizes information documented in the Assessment Team Report, state testing reports, classroom observations and parental input to develop an IEP.

D. Special Consideration – Special consideration refers to the process through which local school districts are permitted to review the existing evaluation data and determine whether the current data accurately reflects the student’s status as a student receiving special education services and therefore a comprehensive reevaluation is deemed unnecessary.

E. Three-year re-evaluation – At least every three years, a student receiving special services must be reevaluated to determine the student’s progress and to make a determination of eligibility for continued special education services.

III. PROCEDURE

Parent(s)/legal guardian and the student shall be invited to participate in re-evaluation activities and provide input.

Public agencies will ensure that all children with disabilities are reevaluated periodically to determine whether the child continues to have a disability that requires special education and related services. Reevaluations must occur no less than once every three (3) years but may not occur more than once in a twelve (12) month period unless the parent and the public agency agree that a reevaluation is needed. A reevaluation may occur more frequently than once every three (3) years, such as cases where:

- The child’s parent or teacher has requested a reevaluation;
- The child’s educational or related service needs, including improved academic

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- achievement and functional performance, warrant a reevaluation;
- The child's disability category is no longer appropriate; or
- The child is to be exited from special education services for reasons other than graduation with a regular diploma, reaching the maximum age of eligibility for services, or parent revocation of services.

A reevaluation may consist of (a) a review of existing and ongoing progress monitoring data, with or without a limited collection of new data, or (b) a comprehensive reevaluation. In many cases, the more limited reevaluation is appropriate, such as when the IEP Committee establishes the child's continuing eligibility under the same disability category with changes only to some services and supports. However, when major changes are being considered, a child's parent or teacher has requested a comprehensive reevaluation, or when IEP Committee members disagree on a child's eligibility status or disability category, a comprehensive reevaluation is necessary. When considering a dismissal from any related service (i.e. speech, OT, PT), a reevaluation should be conducted.

The reevaluation process should be informed by records of services provided, ongoing progress monitoring data, and progress reports on measurable annual goals and short-term instructional objectives/benchmarks. These existing data sources should enable most reevaluations to occur within a relatively short period of time. In cases where a comprehensive reevaluation is required, the reevaluation may take more time.

Review of Existing Data for Reevaluation

The child's IEP Committee, of which the parent and other qualified professionals are members, must review existing information, including any evaluation data, on a child including:

- Evaluations and information provided by the parent;
- Current curriculum-based assessments, progress monitoring data, and other ongoing observations;
- Information from existing observations by teachers and related service providers; and/or
- Information contained in the current IEP, including progress reports on goals.

The review of data may be conducted by the IEP Committee with or without a meeting; however, each IEP Committee member, including the parent, must be given the opportunity to review all existing data and information to assist him/her in determining if additional data are necessary to establish continued eligibility and determine appropriate service provision. If the IEP Committee unanimously decides no additional data are necessary to determine (a) the child continues to be a child with a disability and (b) the child's special education or related service needs, the IEP Committee must document this decision in writing.

Determining if Additional Data are Necessary for Reevaluation

If the IEP Committee as a whole or if any IEP Committee members determine additional data are needed, the IEP Committee, including the parent, must identify the data needed to determine:

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- Whether the child continues to have a disability;
- Whether the child continues to need special education and related services;
- The child's present levels of academic achievement and functional performance;
- The child's educational needs; and
- Any additions or modifications to the child's special education and related services necessary for the child to meet the measurable annual goals addressed in the IEP and/or to participate in the general curriculum or developmentally-appropriate activities, as appropriate for the child.

Even in situations where members of the IEP Committee disagree with the parent over the need for conducting additional assessments or conducting a comprehensive reevaluation, the parent has the right to request assessments or a comprehensive reevaluation to determine eligibility under IDEA and their child's current educational needs. The public agency must inform the parent of this right. See *Volume III: Chapter 8: Dispute Resolution* for more information on due process procedures for resolving disputes.

Parental Consent for Reevaluation

Parental consent is recommended but not required prior to conducting a reevaluation using existing data. When additional data are needed to substantiate continued eligibility and/or current educational needs, the IEP Committee must provide the parent *Prior Written Notice* of the public agency's intention to conduct a reevaluation and obtain *Informed Parental Consent* prior to conducting any new individual assessments (e.g., interviews, observations, and formal and informal tests). If the parent fails to respond to the request for consent, the public agency may proceed with new individual assessments for reevaluation without written parental consent, if it has made reasonable attempts to obtain consent from the parent. If the parent refuses to consent for additional data collection for reevaluation, the public agency may not conduct new individual assessments for the reevaluation. However, the public agency may continue to collect ongoing progress monitoring data used to determine sufficient progress on annual measurable goals and short-term instructional objectives or benchmarks, and the IEP Committee may use these data to determine if the child continues to be eligible for special education and the child's educational needs. In addition, the public agency may use procedures outlined under procedural safeguards to conduct a reevaluation.

Assessment for Reevaluation

The IEP Committee may conduct assessments as part of the reevaluation when they determine the need for additional information to answer any of the following questions:

- What is the child's present level of academic achievement and functional performance?
- What are the child's current educational needs?
- What special education and related services does the child need?
- What, if any, additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals addressed in the IEP and/or to participate, as appropriate, in the general curriculum or, for the preschool child, to participate in age-appropriate activities?

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Comprehensive Reevaluation

If the IEP Committee is considering a change in the child's disability category, a comprehensive evaluation of all areas of development that meets the requirements of the Initial Comprehensive Evaluation must be conducted. A comprehensive reevaluation process should be completed within a reasonable period of time.

Reevaluation Report

At the conclusion of the reevaluation, the IEP Committee must document the results in a written reevaluation report(s). The IEP Committee may compile all reevaluation information into a single comprehensive report or may allow each examiner to submit an individual report. Public agencies are recommended to provide parents a copy of all reevaluation reports at least seven (7) calendar days prior to the meeting to determine or reestablish eligibility unless the parent has expressed their preference to receive the reevaluation report at the meeting.

Eligibility Determination Meeting

The IEP Committee, which includes the parent, must meet to review the reevaluation report(s) and to draft an eligibility determination report. The parent must be invited in writing to attend the eligibility determination meeting

Eligibility Determination Report

During the eligibility determination meeting, the IEP Committee must document the decision in an eligibility determination report either to continue or to change the child's eligibility status and/or disability category:

- If the results of the reevaluation support the child's current eligibility status and disability category, the IEP Committee will document the continued eligibility status and disability category.
- If the results of the reevaluation support the child's eligibility status but no longer reflect the child's disability category, the IEP Committee will document the change in disability category as appropriate and provide the parent Prior Written Notice of this change. The public agency must document the parent's receipt of the Prior Written Notice.
- If the results of the reevaluation no longer support the child's eligibility status, the IEP Committee will document this decision and provide the parent Prior Written Notice of the intent to exit the child from special education services.

Individualized Education Program (IEP)

If the child continues to be eligible for special education services, the IEP Committee will revise the child's IEP to reflect any necessary changes in educational programming and provide the parent Prior Written Notice for any revisions in the IEP. The public agency must document the

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parent's receipt of this notice. If the parent is in attendance at the IEP Committee meeting, the public agency may provide any required Prior Written Notice to the parent at the meeting.

Removal of Students from Special Education Programs (reference 300.305 (a)(e))

If the child is determined to be ineligible for special education services based on the results of a comprehensive reevaluation, the IEP Committee must provide the parents Prior Written Notice explaining their intention to exit the child from special education services at least seven (7) calendar days prior to terminating services. The Prior Written Notice must contain the basis for the decision, an explanation of the parent's right to obtain an Independent Educational Evaluation (IEE), and the parent's right to a due process hearing. The public agency must document the parent's receipt of this notice.

MDHS/DYS facilities may accept a Notice of Special Consideration that was completed by a local school district if there is documentation that the local school district met all requirements including eligibility team review, parent notification was done, and psychological evaluation data is less than 3 years old. MDHS/DYS will not use the Notice of Special Consideration to continue eligibility.