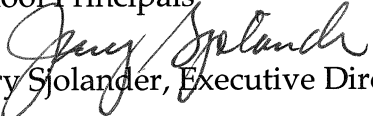


ANCHORAGE SCHOOL DISTRICT
ANCHORAGE, ALASKA

MEMORANDUM

OCTOBER 13, 2007

TO: Carol Comeau, Superintendent
Rhonda Gardner, Assistant Superintendent, Instruction
Mike Henry, Executive Director, High School Education
Patricia McRae, Executive Director, Elementary Education
Leslie Vandergaw, Executive Director, Middle School Education
Dana Dugdale, Director, E.C.E. Special Education
Cindy Anderson, Director Secondary Special Education
School Principals

FROM:  Jerry Spolander, Executive Director, Special Education

SUBJECT: Important Considerations When Preparing for a Re-Evaluation

Please find below answers to some common questions about Re-evaluation Process.

What exactly is a "re-evaluation"?

A reevaluation refers to any evaluation that is conducted after a student has been determined eligible for special education. Once a child has been evaluated the first time and a decision has been made that the child is eligible, any subsequent evaluation would constitute a reevaluation. All reevaluation procedures must be provided at no expense to the parents.

When must a team conduct a re-evaluation?

The District must ensure that a reevaluation of each child with a disability is conducted every 3 years or more frequently if conditions warrant, or if the child's parent or teacher makes a reasonable request for such an individual evaluation. "Conditions warrant" means when there is sufficient information to suspect that a significant change in a child's educational functioning is occurring that may necessitate change in the child's educational program.

Is a Referral Form required for the start of the re-evaluation process?

The Referral Form should be used prior to Initial Evaluation for Special Education and subsequent re-evaluations to gather information from teachers and nursing personnel.

Is parental consent required for a re-evaluation?

Prior written notice must be provided and parental consent obtained prior to reevaluation if additional data/information is required. A single form that meets the requirements of consent and notice may be used. If the parent fails to respond to reasonable measures taken by the District to obtain consent, the school may proceed with the reevaluation.

What is meant when the Special Education Division or the State Handbook requires "parent consent"?

Consent means:

1. That the parent has been fully informed, in his or her native language or other mode of communication, of all information relevant to the activity for which consent is sought.
2. The parent understands and agrees in writing (the parent's signature) to the carrying out of the activity for which the parent's consent is sought.
3. The consent describes that activity and lists any records that will be released and to whom.
4. The parent understands that the granting of consent is voluntary and may be revoked prior to the action requiring consent transpiring.

What steps must a team follow when preparing for a re-evaluation?

Prior to any reevaluation of a student:

1. The IEP Team and other qualified professionals will determine the nature and extent of the evaluation by reviewing existing data on the child. Data may include, for example, evaluations and information provided by the parent, current classroom-based assessments and observations, and teacher and related service providers' observations.
2. On the basis of its review of existing data, and input from the child's parents, the IEP Team and other qualified professionals will determine what additional data, if any, are needed to determine:
 - a. Whether the child continues to have a disability.
 - b. The present levels of academic achievement and related developmental needs of the child.
 - c. Whether the child continues to need special education and related services.

d. Whether any additions or modifications to the special education and related services are needed to enable the child to meet the IEP goals and to participate in the general education curriculum.

3. If the IEP Team and other qualified professionals determine that additional data are not required, the District must clearly document that decision and provide prior written notice to the parents of that determination and the reason for the determination. The District must also inform the parent of his or her right to request further assessment to determine whether the child continues to have a disability.

4. Based on recommendations from the IEP Team and other qualified professionals, the District will seek parental consent and administer the needed assessments.

Can the team agree not to re-evaluate a student?

No, however, on the basis of its review of existing data, and input from the child's parents, the IEP Team and other qualified professionals will determine what additional data, if any, are needed to determine:

- a. Whether the child continues to have a disability.
- b. The present levels of academic achievement and related developmental needs of the child.
- c. Whether the child continues to need special education and related services.
- d. Whether any additions or modifications to the special education and related services are needed to enable the child to meet the IEP goals and to participate in the general education curriculum.

3. If the IEP Team and other qualified professionals determine that additional data are not required, the District must clearly document that decision and provide prior written notice to the parents of that determination and the reason for the determination. The District must also inform the parent of his or her right to request further assessment to determine whether the child continues to have a disability.

Is parental consent always required?

Parental consent is not required before reviewing existing data as part of the reevaluation or administering a test that is given to all children (unless consent is required of parents of all children). Therefore, no parental consent is necessary if no additional data are needed to conduct a reevaluation.

If a student is identified as Early Childhood Developmental Delay, when must the team complete a re-evaluation?

For a child whose eligibility category is early childhood developmental delay, reevaluation by the IEP Team and other qualified professionals is required before the child's 9th birthday. The reevaluation will determine whether the child continues to be eligible for special education and related services.

If a parent refuses to consent for re-evaluation, can the team de-certify the student from special education?

If the parent fails to respond to reasonable measures taken by the District to obtain consent, the school may proceed with the reevaluation. A team representative must document the measures it took to obtain consent. No student is de-certified or exited from special education unless a re-evaluation is completed and the team determines that the student no longer is eligible for special education.

What exactly does a team do when a parent refuses to give consent for re-evaluation?

When a parent refuses consent, a district may take the following steps:

1. The District may request, in writing, that the parents or guardians meet with the District staff to discuss the need for an initial evaluation, placement in a special education program, or the release of information the District believes is necessary to ensure FAPE.
2. The District will attempt to obtain the parental consent at that meeting. If the parents or guardians refuse to give consent for an initial evaluation or reevaluation, the building level administrator or special education department chairperson may consult with the special education division director to determine whether to pursue the action through mediation and/or initiating a due process hearing. If the hearing officer determines that the action is necessary, and the parent does not appeal, the District may take the action.

Is a team allowed to de-certify a student if the student meets his or her goals and no longer needs special education or a particular related service area?

The District will follow appropriate procedures to discontinue special education and related services to students who are no longer entitled to receive those services. If the District suspects that a student no longer meets the eligibility criteria for special education outlined in the IDEA 04, the District will conduct a re-evaluation meeting to determine if the student still meets the eligibility criteria. The team will arrange to have additional assessments conducted if necessary. If the special education team determines that the student is not

eligible, the team will provide the parent with prior written notice of this decision before discontinuing special education services.

Note: If a student reaches the age of majority and asks to be removed from special education, the District must follow appropriate exit procedures.

Is the District responsible to provide a re-evaluation to a graduating senior who wishes to use the results to prove himself or herself eligible for a 504 Plan in a post secondary setting?

Reevaluation is not required before the termination of a student's eligibility for special education services due to graduation with a regular high school diploma or exceeding the age eligibility for FAPE (21 years). However, either of these events constitutes a "change of placement" that requires prior written notice be given a reasonable amount of time before the termination of services occurs. In both circumstances, the District shall provide a summary of the student's academic achievement and functional performance, including recommendations on how to assist the student in meeting post-secondary goals.