

ARKANSAS DEPARTMENT OF EDUCATION
SPECIAL EDUCATION AND RELATED SERVICES
7.00 REEVALUATION
July 2008

7.01 GENERAL

7.01.1 Each public agency must ensure that the IEP of a child with a disability is reviewed in accordance with 34 CFR 300.320 through 300.324 and §8.00 of these regulations; and that a reevaluation of each child, in accordance with 34 CFR 300.304 through 300.311 and §§ 6.00 and 7.00 of these regulations, is conducted 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 if the child's parent or teacher requests a reevaluation. In accordance with 34 CFR 300.303(b) the reevaluation must occur at least once every three years unless the parent and the public agency agree that a reevaluation is unnecessary. A reevaluation may occur not more than once a year unless the parent and the public agency agree otherwise.

7.01.2 Subject to 34 CFR 300.300(c)(2) and § 9.06 of these regulations, informed parent consent must be obtained in accordance with 34 CFR 300.300(a)(1) before conducting any reevaluation of a child with a disability.

7.01.3 Parental consent is not required before -

7.01.3.1 Reviewing existing data as part of an evaluation or a reevaluation.

7.02 REFUSAL

7.02.1 If the parent of a child with a disability refuses to consent to the reevaluation, the public agency may, but is not required to, pursue that evaluation by using the consent override procedures under §10.00 of these regulations and 34 CFR 300.507 - 300.516, if appropriate, except to the extent inconsistent with other State laws relating to parental consent.

7.02.2 The public agency does not violate its obligation under 34 CFR 300.311 and 300.301 through 300.111 if it declines to pursue the evaluation or reevaluation.

7.03 FAILURE TO RESPOND TO REQUEST FOR REEVALUATION

- 7.03.1 Informed parental consent need not be obtained for reevaluation if the public agency can demonstrate that it has made reasonable efforts to obtain that consent, and the child's parent has failed to respond.
- 7.03.2 To meet the reasonable efforts requirement in §7.03.1, the public agency must use procedures consistent with those in §8.06.4 of these regulations and 34 CFR 300.322(a) and (c).

7.04 REVIEW OF EXISTING EVALUATION DATA

As part of any reevaluation under these regulations, the IEP Team, and other qualified professionals, as appropriate, must -

- 7.04.1 Review existing evaluation data on the child, including -
 - 7.04.1.1 Evaluations and information provided by the parents of the child;
 - 7.04.1.2 Current classroom-based local or state assessments and classroom-based observations; and
 - 7.04.1.3 Observations by teachers and related service providers.
- 7.04.2 On the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine -
 - 7.04.2.1 Whether the child continues to have a disability as described in 34 CFR 300.8 and §§2.08 and 6.09 of these regulations;
 - 7.04.2.2 Whether the child continues to need special education and related services;
 - 7.04.2.3 The present levels of academic achievement and related developmental needs of the child; and
 - 7.04.2.4 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 curriculum.

- 7.04.3 The results of any reevaluations are addressed by the child's IEP Team in revising the child's IEP, as appropriate.
- 7.05 CHANGE IN ELIGIBILITY
- 7.05.1 Except as provided in 34 CFR 300.305(e)(2), a public agency must evaluate a child with a disability in accordance with 34 CFR 300.304-300.311 before determining that the child is no longer a child with a disability.
- 7.05.2 The evaluation described in 34 CFR 300.305(e)(1) is not required before the termination of a child's eligibility under 34 CFR 300.305(e)(1) due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for free appropriate public education (FAPE) under state law.
- 7.05.3 For a child whose eligibility terminates under circumstances described in 34 CFR 300.305(e)(2), 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.