

# Evaluation

## REVIEW OF EXISTING EVALUATION DATA

August 30, 2022

Model operating procedures created by



Student Solutions

and

**Thompson  
& Horton** LLP  
ATTORNEYS | COUNSELORS

**Disclaimer:** This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

©2020 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.



**CONTENTS**

REVIEW OF EXISTING EVALUATION DATA ..... 1

    What is Required..... 1

    Additional Procedures ..... 1

    Evidence of Implementation ..... 8

    Resources ..... 8

CITATIONS ..... 9



## REVIEW OF EXISTING EVALUATION DATA

### What is Required

A review of existing evaluation data (“REED”) is required as part of an initial evaluation, if appropriate, and as part of any reevaluation. The REED must be conducted by the ARD Committee members and other qualified professionals, as appropriate. The ARD Committee members may conduct the REED without a meeting. In conducting the REED, the ARD Committee must review 1) evaluation and information provided by the parents of the student; 2) current classroom-based, local, or state assessments, and classroom-based observations; and 3) observations by teachers and related services providers.

On the basis of the REED, and input from the student's parents, the ARD Committee must identify what additional data, if any, are needed to determine:

- Whether the student is a student with a disability, and the educational needs of the student, or, in the case of a reevaluation of the student, whether the student continues to have such a disability and the educational needs of the student;
- Whether the student needs special education and related services, or, in the case of a reevaluation of the student, whether the student continues to need special education and related services;
- The present levels of academic achievement and related developmental needs of the student; and
- Whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the individualized education program of the student and to participate, as appropriate, in the general education curriculum.

If the ARD Committee determines additional data is needed, the appropriate District Assessment Personnel must administer such assessments and other evaluation measures that are needed to produce the data needed. If the ARD Committee determines no additional data is needed, the Campus Special Education Personnel must notify the student's parents of that determination, the reasons for such determination, and notify the parents of their right to request an evaluation. The District is not required to conduct an evaluation unless the student's parents request one. See [EVALUATION PROCEDURES].

### Additional Procedures

Although a REED may be appropriate as part of an initial evaluation, it will be a very unusual case for an initial evaluation to consist only of a REED. In most situations formal assessment will be conducted for an initial evaluation. However, as part of the referral



process, Campus Special Education Personnel, with input from the student's teacher(s) and parents, will review existing data to determine what formal testing is indicated to ensure that a student is assessed in all areas of suspected disability.

When a reevaluation of student is needed, the ARD Committee, including qualified District Assessment Personnel, will conduct a REED. The REED should not occur more than once a year unless the parent and the District agree otherwise, or unless circumstances change. A REED must be conducted at least once every three years. Nothing in statute, rule, or regulations allows the District and parent to agree to extend the three-year deadline for a REED and possible reevaluation. The District is not required to obtain parental consent before conducting a REED as part of an initial evaluation or a reevaluation. However, consent will be obtained if the REED indicates that a formal reevaluation is needed. See [CONSENT FOR REEVALUATION].

The District or Campus Assessment Personnel will schedule the REED meeting. This may be an ARD Committee meeting, an informal staffing, a phone or video conference, or other method. A REED is conducted by an ARD Committee and may include other members with knowledge of the student, as appropriate. Specifically, the following individuals must be involved in the REED: the parent or the adult student, a Campus Administrator, a general education teacher of the student, a special education teacher of the student, a related service provider, if any, and District or Campus Assessment Personnel. In the case of a student with a visual impairment, the REED must include an appropriately certified orientation and mobility specialist. While a REED does not have to take place during an ARD Committee meeting, it must be conducted by the appropriate ARD Committee members. In addition, the REED must include input from the parent. As such, the Campus Assessment Personnel must document the school's efforts to ensure the parent's participation in the REED, including a summary of the parent's input, any documents or information provided by the parent, and the way the input was gathered from the parent.

The REED must contain specific data in all areas required by the FIE (health, vision, hearing, social, emotional/behavior, cognitive functioning, academic performance, communications status, motor abilities, adaptive behavior, and assistive technology), as appropriate. A REED will include a review of some or all of the following information:

- The Student's Evaluations, Including Independent Evaluation Conducted by Outside Agencies, or any Evaluations Provided by the Parent;
- Other Information Provided by the Student's Parents or the Adult Student;
- The Student's Current Classroom-based, Local, or State Assessments;
- Teacher Input;
- Classroom-based Observations;
- Related Service Providers Input and Observations
- Curriculum-based Measurements (CBMs);
- Criterion-referenced Assessments;



- STAAR results;
- Report Cards;
- Discipline Reports;
- Attendance Records;
- Medical and Health Records; and
- Any Other Pertinent Student Information.

The ARD Committee may rely on the determination that no additional assessment is needed after conducting a REED. However, the District Personnel involved in the decision should carefully consider when the last formal assessment was conducted and whether formal assessment should be completed because of the passage of time, changes in the student's performance, or other relevant factors. Some or all of the following should be considered:

- What is the history of the assessment?
- Has there been a thorough evaluation conducted previously?
- How long ago was the last complete evaluation?
- What special education services is the student receiving and for how long?
- Are significant changes in placement/services being considered?
- What is the nature of the disability?
- What is the age of the student?

If the ARD Committee determines that no additional assessments are needed, the REED becomes the evaluation report and should then be presented at an ARD Committee meeting (if the REED meeting was not at an ARD meeting) and specific eligibility and need for services should be reviewed. The date that the REED is reviewed and accepted by the ARD Committee will be entered as the new FIE date. A copy of the REED should be included in the student's file along with any needed documentation for eligibility. In addition, District or Campus Assessment Personnel must send a Prior Written Notice to the parent indicating the reasons for the REED decision and providing the parent the opportunity to request an evaluation. See [PRIOR WRITTEN NOTICE] and [EVALUATION PROCEDURES].

All Campus and District Personnel participating in drafting a REED for a student will be trained annually regarding how to complete a REED, including tracking IEP progress over time to include in the REED. This training will include training on the components of the REED, the information reviewed for the REED, and how to determine whether additional data is needed.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

## PROCEDURES:

### RE-EVALUATION

---

34 CFR §300.301-300.306, 300.122; TAC § 89.1040, ELIGIBILITY CRITERIA.

---

#### Overall Principles

Every evaluation after the initial evaluation is considered a re-evaluation.

Note: If the student transfers from outside the state of Texas, and there is a need to conduct an Evaluation because the out of state evaluation is not appropriate and/or the eligibility condition does not match TEA's eligibility condition, then the new evaluation is considered an Initial Evaluation and must follow the 45 school day initial timeline.

#### Procedures for Re-Evaluation When No New Eligibility is Suspected

1. As part of the planning process for a re-evaluation, a REED meeting (review of existing evaluation data meeting) must be held to identify the appropriate areas of the re-evaluation.
2. The campus-based evaluator is responsible for the REED meeting (Diagnostician, LSSP, or SLP). The REED meeting can be held in a variety of different ways including face- to- face, phone call, or email. This meeting is not an ARD meeting unless requested by parent. This meeting must include input from the campus diagnosticians, teachers, parents, and other staff members as appropriate.
3. The REED Meeting should be held no earlier than 60-75 days prior to the three-year re-evaluation due date.
4. If any formal testing is deemed necessary based on the REED documents, parental consent will be obtained and all components of the FIE template will be completed formally and/or informally. A FIE will be completed, compiling current and previous evaluation data into one comprehensive report.
5. The date of the report is the date it is completed. The eligibility report (if applicable) should have the same date. This date becomes the new FIE date.

#### PROCEDURES FOR CAMPUS RE-EVALUATIONS

(Campus diagnostician is not initially suspecting a different eligibility condition)



1. If while completing a re-evaluation at the campus level, the data indicates the need to evaluate a different eligibility condition (e.g., LD to ID; LD to OHI for ADHD, etc.), the campus diagnostician will evaluate for the suspected area of disability.
2. Once the FIE has been completed in its entirety in ESPED, the evaluator will notify the campus clerk to schedule a review ARD.

**PROCEDURES FOR RE-EVALUATION FOR SI ONLY WHEN A SECOND ELIGIBILITY IS SUSPECTED (THIS INCLUDES WHEN DYSLEXIA IS THE SECOND SUSPECTED CONDITION)**

---

(Ex: student who is SI only and there is suspicion of a second eligibility)

1. The SLP, as the case manager, will collect all the necessary documentation needed from the Referral for FIE form (This is the same form used during the Rtl team referral process) and complete the REED meeting to determine needed evaluations. The SLP will consult with the campus diagnostician.
2. The SLP will obtain informed consent from the parent.
3. After consent is obtained for an FIE, the SLP will upload any signed documents by the parent including consent to ESped. Please note that if Dyslexia is suspected the Diagnostician will conduct the evaluation. The Dyslexia Specialist may be consulted but does not conduct the Dyslexia evaluation as the Re-Evaluation will include the appropriate tests to determine if the student has Dyslexia.
4. Once consent is obtained, the campus evaluation staff will conduct the evaluation.
5. Once the evaluation is archived, the campus diagnostician will staff with the parent and campus and schedule the ARD.
6. It is the evaluator's responsibility to review the FIE with the parent prior to the ARD.

**PROCEDURES FOR RE-EVALUATION WHEN MULTIPLE CHANGES IN ELIGIBILITY ARE SUSPECTED**

---

(Ex: student who has had multiple changes in eligibility categories)

1. The campus diagnostician will collect all the necessary documentation needed from the Referral for FIE form (This is the same form used during the RTI team referral process) and REED documentation.
2. The campus diagnostician will obtain consent from the parent and upload all signed documents by the parent into eSped.
3. Once the evaluation is archived, the campus diagnostician will staff with the parent and campus and schedule the ARD.
4. It is the evaluator's responsibility to review the FIE with the parent prior to the

ARD.

**Procedures for Re-Evaluation when the Special Education Student is a Transfer from another district** *NOTE: An evaluation from another school district within the state of Texas is acceptable if the evaluation is current and appropriate. If the current evaluation is not accepted by GCCISD and a re-evaluation is needed, GCCISD has 30 school days from the date of verification to complete the re-evaluation and conduct the annual ARD 89.1050 (i)(1).*

1. Within the first five days of enrollment, a Transfer agreement must be completed.
2. The campus diagnostician will make their best attempt to obtain the student's FIE and most current ARD from the prior district. If the evaluation is not received at the campus no later than ten calendar days from the date of enrollment, the campus diagnostician will initiate the process for the Re-evaluation to be conducted by the campus staff and the campus diagnostician will obtain consent for the FIE.
3. The campus diagnostician will upload the necessary signed documents by the parents in to eSped and begin the re-evaluation.
4. Upon completion of the evaluation, if the eligibly did not change, the campus diagnostician can archive the FIE once it is complete and then staff and complete the annual ARD.
5. Once the evaluation is archived, the campus diagnostician will staff with the parent and campus and schedule the ARD.
6. It is the evaluator's responsibility to review the FIE with the parent prior to the ARD.

*\* If for some reason the evaluation from the previous district is received after the ten days, and the evaluation is current, the campus diagnostician can choose to accept that evaluation and not continue the additional evaluation.*

*\*\*If while completing the transfer agreement, the campus does have the evaluation from the student's previous district, but it does not meet district standards, then the campus diagnostician will obtain consent and conduct the evaluation. \*\**





**Procedures for Re-Evaluation when the Special Education Student is a Transfer from another State** (Ex: student who enrolls in GCCISD from out of state without an FIE, or an FIE with an eligibility that is not TEA recognized or does not match a TEA eligibility area)

*NOTE: An evaluation from out of state is acceptable if the evaluation is current and meets all TEA disability condition requirements.*

1. Within the first five days of enrollment, a Transfer agreement must be completed. The campus diagnostician will complete the Transfer agreement.
2. The Campus Based Diagnostician will make their best attempt to obtain the student's FIE and most current ARD from the prior district.
3. If the evaluation is not received at the campus no later than ten calendar days from the date of enrollment, the campus diagnostician will initiate the process for the Re-evaluation to be conducted by the campus staff and the campus based evaluator will obtain consent for the FIE.
4. If a Re-evaluation is required for a student transferring from another state, the Re-evaluation is considered an Initial Evaluation and the 45 day timeline is in effect.
5. Once the evaluation is archived, the campus diagnostician will staff with the parent and campus and schedule the ARD.
6. It is the campus diagnostician's responsibility to review the FIE with the parent prior to the ARD. If the parent is unavailable to review the FIE prior to the ARD, the diagnostician must notify the campus and complete the review via telephone.

*\*If the evaluation renders an eligibility of AU, ED, or OHI for ADHD, the LSSP must attend the school staffing. It is the responsibility of the LSSP to complete the draft AU supplement, Behavior Intervention Plan, and Behavior/Social goals and objectives for the ARD if these are recommended.*

*\*\* If for some reason the evaluation from the previous district is received after the ten days and the evaluation is current and meets TEA guidelines, the campus diagnostician can choose to accept that evaluation and not continue the additional evaluation.*

#### RE-EVALUATION UTILIZING THE REED PROCESS (CONTINUING ELIGIBILITY)



If a student has had two consistent evaluations and at the REED meeting, the parent and school staff agree no new formal testing is warranted, the REED can serve as the re-evaluation. In this scenario, consent does not need to be obtained.

In addition to two consecutive evaluations with no eligibility changes, the following must be considered:

1. The parent and school staff must agree no new evaluation is needed for programming, eligibility, or dismissal. If any concerns are identified beyond the current eligibility or that warranted additional information for programming, conduct formal testing, a REED should not be used.
2. Student must be progressing on state assessment, IEP Goals & Objectives (academic and behavior).
3. If the REED is utilized, the REED is completed within the ARD document and must be completed prior to the student's 3 Year Re-evaluation date.

## **Evidence of Implementation**

- REED Document
- Minutes from REED Meeting
- List of Attendees for REED Meeting
- Determination of REED
- Prior Written Notice
- FIE
- ARD/IEP
- Documentation for the state in TSDS, PEIMS, and SPP
- Frontline forms

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Review of Existing Evaluation Data Framework - Region 18](#)

[Letter to Anonymous, 48 IDELR 136 \(OSEP 2007\) – U.S. Department of Education](#)

[OSEP Letter to Copenhaver \(October 19, 2007\) - U.S. Department of Education](#)

[Review of Existing Evaluation Data Frequently Asked Questions – Texas Education Agency](#)

[Guidance Relating to Evaluations: Review of Existing Evaluation Data - Texas](#)



[Education Agency](#)

[Evaluation and Reevaluation - SPEDTEX](#)

**CITATIONS**

34 CFR 300.305; 19 TAC 89.1040(c)(12)(E); Texas Educ. Code 30.002(c-2)