

EVALUATION & REEVALUATION ([34 C.F.R. §§ 300.301-300.311](#); [GEORGIA RULE 160-4-7-.04](#))

Initial Evaluation

The IDEA requires that before a child can receive special education services, the LEA¹ must determine whether the child requires specialized instruction and meets eligibility requirements for special education. The LEA must conduct (or arrange for) a comprehensive evaluation that:

- provides sufficient data to determine whether the child is a child with a disability;
- documents how the disability affects the child’s academic, developmental, social/emotional, and/or behavioral performance in school; and
- provides appropriate information for the development of an Individualized Education Program (IEP), if eligible.

Parent Rights

Whenever the parent requests an evaluation or when a child has been referred for an initial comprehensive evaluation, the LEA must give the parent a copy of “Your Rights as Parents - Special Education” document and provide an explanation to ensure that the parent understands these rights. If a parent’s primary language is not English, a translated copy in his or her language must be given to the parent whenever feasible. Translations may be accessed online at the [Parents’ Rights](#) link on the Special Education web page of the GaDOE website.

Parental Consent for Initial Evaluations

Before an evaluation can begin, the LEA must obtain a signed, informed parental consent for evaluation. The LEA has 60 calendar days after receiving parental consent to complete the initial evaluation. Completion of the initial evaluation is defined as completion of the evaluation report(s). LEAs are not required to make the eligibility determination during the 60-day initial evaluation timeline. See Questions and Answers on Individualized Education Programs (IEPs), Evaluations, and Reevaluations, Question and Answer B-1, U.S. Dep’t of Educ., Office of Special Education and Rehabilitative Services (OSERS), September 2011. However, the eligibility decision should be made within a reasonable period of time following the completion of the evaluation. See 71 Fed. Reg. 46637 (2006). As a matter of best practice, within 10 calendar days of the

¹ Local educational agencies include public boards of education or other public authorities legally constituted within Georgia for either administrative control or direction of, or to perform a service function for public elementary or secondary schools in a city, county, township, school district, or other political subdivision of the State, including state charter schools and Georgia Department of Juvenile Justice (DJJ).

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completion of the evaluation report(s), an eligibility meeting should be held. Development of the Individualized Education Program (IEP) can take up to 30 additional days. See [34 C.F.R. § 300.323\(c\)\(1\)](#). The 60-calendar-day time period begins when an LEA employee receives the signed consent but excludes school holidays and other times when children are not in attendance for five or more consecutive school days, including the weekend days before and after the holiday period. Any summer vacation period when the majority of the LEA's teachers are not under contract does not count toward the 60-day time period. If consent is received 30 days or more before the end of the school year (defined as the teachers' last day under contract), the evaluation process must be completed within the 60-day time period. An exception to the 60-day time period occurs if the parent fails or refuses to produce the child for the evaluation, if extenuating circumstances exist (e.g., illness, unusual evaluation needs, or revocation of parental consent), and if the child moves to another LEA after the 60-day time period has begun. Refer to the **Frequently Asked Questions** at the end of this section for further discussion of the 60-day time period for children who move to another LEA.

If the parent refuses to give consent for the evaluation, the district may, but is not required to, pursue the evaluation through mediation or a due process hearing. See [34 C.F.R. § 300.300\(a\)](#). If the child is home schooled or placed by the parents in a private school at their expense, the LEA cannot use the mediation or due process hearing procedures to override the parents' refusal for evaluation. See [34 C.F.R. § 300.300\(c\)\(4\)](#).

Parental consent is not needed for the LEA to perform these routine duties:

1. Review existing evaluation information.
2. Screen a child to determine appropriate instructional strategies for curriculum implementation.
3. Administer a test or evaluation that is given to all children without consent for that test or evaluation.

Multidisciplinary Evaluation Team

When a referral for special education evaluation is made due to a concern that the child may have a disability and be in need of special education and related services, the comprehensive evaluation will be conducted by a multidisciplinary team. This team may consist of the LEA's psychologist, educational diagnostician, speech-language pathologist, occupational therapist, physical therapist, the child's teacher(s), and others as appropriate to the evaluation. The child's parents are considered members of this team. The child should be evaluated in any area which committee members have determined to be an area of weakness. The team is responsible for

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formally or informally assessing the child in all areas related to a suspected disability. Formal assessments may include standardized, criterion-referenced tests, and norm-referenced tests, while informal assessments may include teacher-made assessments, naturalistic observations, and interviews. The child's parents will be asked to provide input during the evaluation process. Their information is valuable in developing the total picture of the child.

Comprehensive Evaluation

An initial evaluation needs to look at the needs of the whole child, regardless of the reason for the referral.

In a comprehensive evaluation, the LEA will:

- informally and formally assess all areas related to any suspected disability, including, if appropriate, vision and hearing, health, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;
- use a variety of evaluation tools and strategies to gather relevant academic, functional, and developmental information about the child, including information provided by the parents;
- not use any single procedure as the only criterion for determining whether a child is a child with a disability or for determining an appropriate educational program for the child;
- use assessment techniques that may assess developmental, physical, intellectual, academic, communication, and social/emotional skills;
- use evaluation tools and strategies to provide relevant information that will directly assist the eligibility team in determining the educational needs of the child;
- use assessments and other evaluation materials to assess specific areas of educational need and not only those that are designed to provide a single general intelligence quotient (IQ) score; and
- select assessment methods that, when administered to a child with impaired sensory, manual, or communication skills (to include English Learner (EL) barriers), the results accurately reflect the child's aptitude or achievement level and are not culturally biased.

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Information Sources: Evaluations often use many of the following:

- Individually administered tests and tools
 - Academic achievement
 - Cognitive ability
 - Social/Emotional/Behavioral
 - Speech/Language
- Parent/Teacher/Child Questionnaires
 - Social/Emotional/Behavioral
 - Adaptive behavior
- Parent information and input
- Teacher input (verbal or written descriptions/analyzed classroom work samples)
- Schoolwide standardized testing results
- Medical information, as appropriate
- Classroom observations
- Prior testing done in private settings
- Prior testing done in other school settings, such as formative assessments from classroom progress monitoring

Steps in the Evaluation Process

1. Appropriate LEA staff or the parent make a referral for an evaluation. A parental consent for evaluation is received from the parent. Once LEA staff receives the signed consent, the 60-calendar-day timeline begins.
2. Review all other data about a child, which include the permanent record, current classroom assessment and progress, results of any provided interventions, previous results of statewide assessments, attendance data, and disciplinary history.
3. Classroom observations in a setting in which the concern has been noted are conducted to determine current performance and to look for specific causes or reasons why the child is not learning or behaving at the expected levels. The observations are usually conducted by a diagnostician or other professional with expertise.
4. The current and previous teachers of the child are interviewed. The focus of the interviews is to determine whether the concerns cited as the reason for the evaluation are new issues or recurring issues. In addition, the interviews will provide information on any interventions or strategies that may have been tried previously.

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5. The parents are interviewed as part of the evaluation process. If the parents have any independent evaluations or medical information they have not provided to the LEA, they should provide this information now. Information the parents have about learning at home, such as how long it takes the child to complete his or her homework and how much help the child requires, assists in the evaluation. Often the behavior of the child at home is also discussed to determine whether the parents see the same behaviors as the school sees, what kind of interventions work at home, and how frequently certain behaviors occur. In addition, many times the LEA needs to screen for adaptive behavior, and it may ask questions about household chores or tasks, about money management, and about other things that do not always *feel educational* to the parent. This information contributes to the whole picture of the child.
6. All previous information and data on the child is reviewed (e.g., previous evaluations, medical reports, psychological evaluations, and independent evaluations). This helps the team determine which evaluations to administer for the current evaluation.
7. Many evaluations include the administration of surveys or questionnaires. These are usually published forms of surveys or questionnaires that gather information about the typical day-to-day behavior of the child. The surveys or questionnaires are often completed by multiple people who know the child in order to provide a comprehensive view that encompasses school, home, and the community.
8. As all this information is received, the multidisciplinary evaluation team begins to review the information and determine what individual assessments are needed, and by whom, to provide more in-depth information. The needed assessments are then conducted and may include a variety of instruments that look at learning, listening, speaking, behavior, sensory, motor, and/or academics.
9. As these assessments are administered, other areas of concern may arise that need to be evaluated and additional assessments will be conducted as necessary. For example, fine motor skills may not have been a concern when the evaluation was requested; but, information from the assessments and observations may indicate a concern that warrants an evaluation of the fine motor skills as a component of the comprehensive evaluation.
10. All instruments are scored, and the results are analyzed and interpreted by the professionals who administered the instruments.
11. The person coordinating the evaluation discusses the results of the evaluation with the parent and educators, with accompanying evaluation report(s) at this time. This discussion could occur at the completion of the 60-day initial evaluation period or at the eligibility meeting, which as a matter of best practice, should occur within 10 calendar days of the completion of the initial evaluation.

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12. An eligibility meeting is conducted. The eligibility meeting determines whether a disability exists and what the impact is on the education of the child. If there is an adverse impact, the team may determine that the child is a child who needs special education and related services. Evaluation report(s) and an eligibility report are created regardless of whether the child is determined eligible or ineligible.

Reevaluation Process

Reevaluations are consistent with initial evaluations in terms of “what” you should be able to do with them when they are complete. Specifically, the purpose of the reevaluation process is to review current evaluation information and to consider what additional information might be needed to determine, among other things, whether the child continues to have a disability and the educational needs of the child. Reevaluations are considered just as important as the initial evaluation for special education. Throughout the child’s educational career, their educational needs may change constantly, and the reevaluation assesses the child’s evolving needs.

A reevaluation of a child with a disability, which can include only a review of existing evaluation data, must be conducted at least once every three years unless the parent and the LEA agree that a reevaluation is unnecessary. The reevaluation may be conducted at any time if the LEA feels the needs of the child should be reevaluated or if the child’s teacher or parent requests a reevaluation. However, a reevaluation may not occur more than once a year unless the parent and the LEA agree to more than one a year.

Reevaluation Process: Review of Existing Evaluation Data

As part of the reevaluation process, the IEP Team, including the parent and other qualified professionals must review evaluation data, including but not limited to the current full eligibility on the child that is already available. This review may include evaluations and information provided by the parent, current classroom-based local or state assessments, classroom-based observations, and observations by the teacher and related service providers. This review may be conducted without a meeting if the parent and LEA agree not to convene a meeting for this purpose. The team will, on the basis of that review, and considering how long it has been since a comprehensive evaluation of the child last occurred, identify additional data needed, if any, to determine the following:

- the present levels of academic achievement and related developmental needs of the child;
- whether the child continues to have a disability or additional areas of need due to a disability;

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- whether the child continues to need special education and related services;
- whether the child needs any additions or modifications to the special education and related services to meet the measurable annual goals set in the IEP; and
- whether the child needs any additions or modifications to special education and related services to enable participation, as appropriate, in the general education curriculum.

After reviewing the existing data on the child, if the IEP Team determines that no additional information is needed to determine whether the child continues to be a child with a disability and to determine the child's educational needs, then the LEA must notify the child's parent of that determination, the reasons for the determination, and the parent's right to request assessments for the determination of eligibility and the child's educational needs. If no additional information is needed, this completes the reevaluation process and the date of this determination is the child's reevaluation date. In no more than three years from that date, the need for a reevaluation must be considered again.

Reevaluation Process: Determination of Eligibility and Educational Needs

After reviewing the existing data on the child, if additional information is needed to determine: (1) the present levels of academic achievement and related developmental needs of the child; (2) whether the child continues to have a disability or additional areas of need due to a disability; (3) whether the child continues to need special education and related services; (4) whether the child needs any additions or modifications to the special education and related services to meet the measurable annual goals set in the IEP; and/or (5) whether the child needs any additions or modifications to the special education and related services to enable participation, as appropriate, in the general education curriculum, then the Team will determine which assessments are needed to provide the additional information. If a decision is made to conduct additional assessments, then after the assessments are complete, the Team reviews those assessments and determines the child's continued eligibility and educational needs. Once this determination is made, this completes the reevaluation process and the date of this determination is the child's reevaluation date. In no more than three years from that date, the need for reevaluation must be considered again.

The LEA must provide written notice to the parent and must receive written informed parental consent before conducting any additional assessments as part of a reevaluation of a child with a disability. If the LEA makes multiple reasonable attempts to contact the parent for written consent to conduct additional assessments as part of a reevaluation and the parent does not respond after several attempts, the LEA must keep documentation of those attempts and lack of responses, and then the LEA may move forward with the reevaluation. See 34 C.F.R. § 300.300(c)(2). In circumstances where the parent refuses to provide consent to administer

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additional assessments as part of a reevaluation, the LEA may, but is not required to, pursue the reevaluation by using mediation or due process hearing procedures. See 34 C.F.R. § 300.300(c)(1)(ii). If the LEA does not pursue the reevaluation by using mediation or due process hearing procedures when a parent refuses consent, the district has not violated its obligations under Child Find. See 34 C.F.R. § 300.300(c)(1)(iii). In addition, if a parent refuses to provide consent to administer additional assessments as part of the reevaluation process, the LEA may decide to discontinue the provision of special education services and supports to the child, if the LEA believes based on a review of existing evaluation data, that the child does not continue to have a disability or does not continue to need special education and related services. If the LEA discontinues the provision of special education services, it must provide the parent with prior written notice of its proposal to discontinue the provision of a free appropriate public education (FAPE) to the child consistent with 34 C.F.R. § 300.503(a)(2), including the right of the parent to use the mediation procedures in 34 C.F.R. § 300.506 or the due process procedures in 34 C.F.R. §§ 300.507-300.516 if the parent disagrees with the LEA's decision to discontinue the provision of FAPE to the child. See Questions and Answers on Individualized Education Programs (IEPs), Evaluations, and Reevaluations, Question and Answer D-4, U.S. Dep't of Educ., Office of Special Education and Rehabilitative Services (OSERS), September 2011.

Evaluation before Termination of Eligibility

The LEA must comprehensively reevaluate a child with a disability before determining that the child is no longer a child with a disability who requires special education services. However, reevaluation is not needed:

1. when the child graduates from high school with a regular education diploma, or
2. when the child has exceeded the age of eligibility (22nd birthday) for a FAPE.

The LEA must, however, provide the child with a summary of academic and functional performance that includes recommendations for meeting postsecondary goals when the child is graduating with a regular diploma or aging out of school. Best practice would also include providing the summary of performance for the child who receives a special education diploma or other exit document. It is up to the LEA's policy as to whether services cease exactly on the child's 22nd birthday or continue until the end of the semester or school year in which the child turns 22 years of age. Refer to the FAPE Chapter of this manual for additional information.

Independent Educational Evaluation

If a parent ***disagrees with*** the results of a completed evaluation completed by the LEA, the parent may request that the LEA pay for an outside independent educational evaluation (IEE). The LEA must agree to pay for the IEE or begin the due process hearing procedures to show that the LEA's evaluation is adequate. If there is a due process hearing and the LEA's evaluation is judged to be

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sufficient, then the LEA will not have to pay for an IEE. A parent is entitled to only one IEE at public expense each time the LEA conducts an evaluation with which the parent disagrees. The list of criteria of the independent evaluator must be the same as those required of the LEA's evaluators. The LEA may set a reasonable limit on the cost of the IEE. However, the LEA must also allow parents the opportunity to prove extraordinary circumstances warranting an IEE at public expense that does not meet the LEA's criteria. See [34 C.F.R. § 300.502](#) for a complete explanation of IEEs.

A parent does not have the right to an IEE at public expense until he or she has allowed the LEA to conduct its own evaluation. Then, if the parent disagrees with the results of the evaluation, he or she may request an IEE. The parent always has the right to obtain an outside IEE at his or her own expense, before or after the LEA's evaluation. As long as the evaluation was conducted by someone who meets the qualifications for LEA evaluations, the LEA must consider the results of the parentally obtained evaluation.

Frequently Asked Questions

Initial Evaluation

1. What part does “Response to Intervention” (RtI) play in evaluation?

Data collected regarding the child's response to interventions can support the evaluation process. Intervention data should be reviewed to determine whether there was a response to intervention with reasonable progress.

2. Can parents request an evaluation at any time?

Yes. If the LEA agrees to conduct the evaluation, then the LEA must provide the parent with a consent for evaluation form, and upon receipt of signed, informed consent, the LEA must conduct the evaluation. If evidence of prior interventions has not been obtained, the evidence can be collected during the evaluation period. However, absence of evidence of prior interventions is not a reason to delay or deny the evaluation. If the LEA decides not to conduct the evaluation, it must provide the parents with prior written notice and advise them of their parental rights to seek mediation or a due process hearing.

3. When are hearing and vision to be screened?

Federal regulations list vision and hearing as areas that may be evaluated in a special education evaluation, “as appropriate.” See [34 C.F.R. § 300.304\(c\)\(4\)](#). However, professional ethics require that a diagnostic evaluation not proceed until it is documented that the child has acceptable levels of vision and hearing. Failure to do this would render test results invalid and might prevent discovery of vision and/or hearing problems as the primary or contributing

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source of the child's problem(s). Therefore, if the hearing and vision screening was not conducted prior to receiving parental consent for evaluation, then the child should be screened at the beginning of the 60-day comprehensive evaluation. If the comprehensive evaluation will rely on prior hearing and vision screening (such as screening completed during the Student Support Team (SST) process), such screening should have been completed within one calendar year. If problems with the child's hearing or vision need medical diagnosis or require the purchase of hearing aids or eyeglasses and the parents are unable to accomplish this, then the LEA must make sure that these devices and services are made available to the child.

4. If during the course of an evaluation, the child is found to need glasses and the parents do not get the necessary glasses, is the LEA responsible for getting them?

If the eyeglasses would be needed for the LEA to provide FAPE and for the child to avail himself/herself of the right to an evaluation, then the LEA must provide them. Schools and parents can work with public and private agencies to obtain funding for the glasses.

5. Does the 60-day timeline end with the evaluation or with eligibility determination?

The 60-day timeline ends with the completion of the initial evaluation. Completion of the initial evaluation is defined as completion of the evaluation report(s). The latest date of the evaluation report(s) will serve as the end of the initial evaluation. As a matter of best practice, within 10 calendar days after the 60-day initial evaluation, a determination of eligibility should be made.

6. After a determination of eligibility is made, when must an individualized education program (IEP) be developed?

Within 30 calendar days of a determination of eligibility for special education and related services, a meeting to develop an IEP must be held. This 30-day time period does not contain any exceptions for holidays or summer vacations.

7. How long does Parental Consent to Evaluate last?

Consent to Evaluate is for specific assessments in all areas of suspected disability that are used during an evaluation to determine whether the child is a child with a disability and what educational needs of that child need to be addressed. When consent is sought from a parent, the LEA should explain to the parent why the specific assessments will be conducted and how the results may assist in making a particular determination. Once those assessments are complete, and the evaluation report(s) have been completed or eligibility has been decided, then the period for that consent for evaluation has ended. Any new evaluation the LEA wants to conduct in the future will require a new consent form.

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8. If a parent refuses consent for an initial evaluation, is the LEA required to go through either mediation or a due process hearing to override parental consent?

No. When the LEA decides that an initial evaluation is needed but the parent refuses, the LEA may choose to, but is not required to, pursue the initial evaluation through mediation or a due process hearing. 34 C.F.R. § 300.300(a)(3)(i). If the child is a home-schooled or a private school child, this parental consent override does not apply. 34 C.F.R. § 300.300(d)(4)(i).

9. What happens to the 60-day evaluation time period when a child moves to another LEA before the evaluation is complete?

When a child has been referred for an evaluation and the child enrolls in a new LEA prior to the first LEA making a determination as to whether this is a child with a disability, the new LEA is required to move forward in completing the evaluation within a timely manner but may not be required to meet the original 60-day timeline. Specifically, the new LEA must make sufficient progress to ensure a prompt completion of the evaluation and work with the parent to mutually agree to a specific time when the evaluation will be completed. See [34 C.F.R. § 300.301\(d\)\(2\)](#).

10. Are there best practices regarding choice and use of evaluation tests and other measures?

The IDEA goes to great lengths to provide for appropriateness (and therefore, dependability) of an evaluation, both in the Evaluations section and in the Procedural Safeguards section. But professional ethics and expected practices go beyond even these extensive federal requirements. For example, the professional conducting an evaluation soon after another evaluation has been completed must be sure to review the technical manual of the same instruments to avoid invalidating the results. In general, the key to obtaining sound evaluation results is in choosing assessment instruments with sufficient validity (i.e., they get the desired information) and reliability (i.e., the results are trustworthy).

Further, it is expected that the instruments used will be recent editions so that their scoring tables are based on contemporary children and thus give a realistic picture of a child's relative performance. Whoever administers an evaluation instrument must be properly trained to administer it according to the publisher's instructions. Whoever interprets such results in light of all other results must have proper professional credentials in order to do so. When an evaluator departs from the publisher's instructions or commonly accepted use of an instrument, as is sometimes necessary, the report of the evaluation must contain an explanation of the deviation.

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11. Can parents have a copy of a test protocol?

“Both [Family Educational Rights and Privacy Act (FERPA)] and Part B [of the IDEA] provide that an educational agency or institution (under FERPA) and a participating agency (under Part B) must respond to reasonable requests for explanations and interpretations of education records. 34 CFR 99.10(c); 34 CFR 300.562(b)(1). Accordingly, if an educational agency or institution or participating agency maintains a copy of a student’s test answer sheet, then it must provide the parent with an explanation and interpretation of the record, *which could involve showing the parent the test question booklet*, reading the questions to the parent, or providing an interpretation for the responses in some other manner adequate to inform the parent.” [Letter from LeRoy S. Rooker, Director, U.S. Dep’t of Educ., Family Policy Compliance Office, September 13, 2005](#) (emphasis added).

12. Do LEAs have to provide evaluations for home-schooled or private school children?

Yes. An LEA’s Child Find responsibility under the IDEA applies to all children, not just those in public schools. Each LEA is responsible for locating and evaluating not only children who live within its jurisdiction but also those who attend a private school within its jurisdiction. See [34 C.F.R. § 300.111](#); see also [Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools, U.S. Dep’t of Educ., Office of Special Education and Rehabilitative Services \(OSERS\), April 2011](#). If the parent of a home-schooled or private school child suspects a disability or the private school suspects a disability and either requests an evaluation, the LEA where the private school is located must provide the evaluation, meeting the same requirements as they would for an evaluation of a child enrolled in the LEA. In Georgia, a home-school child is treated as a private school child; and therefore, the LEA where the child lives would be responsible for a requested evaluation to determine if a disability is present. If the LEA determines that the evaluation is not necessary, the LEA must follow the same procedures as well, including providing prior written notice of why the LEA is refusing to conduct the evaluation. This refusal can then be challenged by the parent through a due process hearing or a written formal complaint.

13. Can a parent request evaluations from the LEA where the private school is located as well as the LEA where the child resides?

Yes. A parent could request that different LEAs evaluate their parentally placed private school child if the child is attending a private school that is not in the LEA in which the child resides. The LEA where the child resides has the responsibility to provide FAPE to the child, while the LEA where the private school is located has the responsibility to ensure equitable participation (also called proportionate share services or equitable services). Parents are not encouraged to ask two different LEAs to evaluate their child for different purposes at the same time. The OSEP states that “[s]ubjecting a child to repeated testing by separate LEAs in

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close proximity of time may not be the most effective or desirable way to ensure that the evaluations are meaningful measures of whether a child has a disability, or of obtaining an appropriate assessment of the child's educational needs." See [Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools, Question and Answer B-4, U.S. Dep't of Educ., Office of Special Education and Rehabilitative Services \(OSERS\), April 2011.](#)

14. A private school wants to have an evaluation of a child to determine educational need. How can the interventions, if any, done in the private school be documented?

LEAs have an obligation to consult with private schools within their jurisdiction on an annual basis for the consideration of proportionate share funds. Although Child Find activities are not conducted with proportionate share funds, LEAs can use this consultation to also educate private schools about the referral process and how to implement and collect data from interventions that can be provided to the child before or during an evaluation.

15. What about preschool age children who may be attending a preschool program in a location outside of the LEA in which they live?

The Child Find responsibility applies to all children residing within the LEA, including preschool age children. If the parent of a young child requests an evaluation to determine if the child may be a child with a disability and eligible for special education and related services, the LEA must respond to that request.

However, some preschool age children may be in daycare, federal programs (Headstart) or other types of programs that are outside of their LEA and in need of evaluation services to determine if they are a child with a disability in need of special education and related services. In these circumstances, the parent can certainly request the LEA of residence conduct the evaluation. In some circumstances, if the program the preschool age child is attending is part of an elementary school, public or private, the LEA where the school is located has an obligation to conduct the evaluation when requested by the parent or the school. In most cases, preschool programs are not part of an elementary school and therefore, the obligation for evaluation goes back to the LEA of residence.

It is best practice for LEAs to advertise the availability of evaluation services publicly in order to reach parents with information about the availability of evaluations for suspected disabilities. Pediatricians' offices, county health clinics, local newspapers, and brochures at grocery stores and other locations, where virtually all parents must occasionally go, are means of getting the information to parents of young children.

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16. What type of interventions and progress monitoring can be provided for preschool children?

For preschool children, much of the data collection on the interventions provided will be informal and will likely be of a qualitative nature. In many cases, the evidence of interventions and progress monitoring will be documented through interviews. However, data from interventions provided by Babies Can't Wait, private therapists and preschool teachers can also be used during the evaluation process. The LEA should use this opportunity to work with early education providers to ensure that children have access to the Georgia Early Learning Development Standards (GELDS) for children ages birth through five.

17. Is there a “Speech/language only” evaluation?

No. All evaluations to determine if a child is a child with a disability (including a speech language impairment) and needs special education and related services must be comprehensive and look at the whole child to determine all the areas of need. The multi-disciplinary evaluation team will decide what evaluations are necessary. Speech-Language Pathologists (SLPs) are a part of the multi-disciplinary team and will work with and evaluate children who have problems in pronouncing sounds and in using or understanding language or both. Thus, evaluation of each of these areas may require different or overlapping sets of procedures and areas of focus. It is incumbent upon the SLP to be sure to evaluate (or refer for others to evaluate) any areas beyond those of speech and language if it appears that other factors may have an effect on the production of speech, the use of language, or on other aspects of educational functioning.

18. For eligibility purposes, do all special education evaluations (e.g. speech, psychological, occupational therapy, physical therapy, etc.) require an evaluation report upon completion?

Yes. Georgia Rule 160-4-7-.04(6)(a)(2) states that, upon completion of the administration of tests and other evaluative measures, “the LEA provides a copy of the evaluation report *and* the documentation of determination of eligibility at no cost to the parents.” See also [34 C.F.R. § 300.306\(a\)\(2\)](#). For initial evaluations, the individual or combined evaluation report(s) should be completed by the end of the 60-day evaluation period.

19. What special considerations are there for evaluation of English Learners (EL)?

The fundamental challenge of evaluating ELs is to tease out any problems that are not due to the difficulty of learning English. In order to do this, it is necessary to:

- determine the fluency of the child in his/her native language;
- determine, by comparison, fluency in English;
- gain an understanding of the child’s cultural and family influences; and

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- ensure that assessment materials and instructions are appropriate for and understood by the EL child, including assessing the child in his or her native language, if appropriate.

An important method of obtaining pertinent language information is by interviewing key family members. All results obtained must be interpreted in relation to the child's dominant cultural influences. (See the [American Speech-Language Hearing Association](#) (ASHA) for more detailed information for children who are English Learners and suspected of having a disability).

20. What happens to children who are not found eligible for special education services?

One recommendation would be for the LEA to provide strategies in the general education setting to assist the child in meeting age-level expectations. Another recommended practice would be to consider eligibility under Section 504 of the Rehabilitation Act of 1973 for those children who have a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. See [34 C.F.R. § 104.3\(i\)\(1\)](#). General education classroom accommodations may be all that are needed to give equitable access to a child eligible under Section 504. Another recommendation would be for the child to continue or begin, as appropriate, receiving Student Support Team (SST) services. The SST is responsible for helping design an individual plan for success. The substantial information that comes back from the comprehensive evaluation can assist the SST in this task.

Reevaluation

21. What are the timelines for completing the reevaluation process?

The 60-day timeline only applies to the initial evaluation. Once a child is in special education, all further evaluations are considered reevaluations, regardless of whether there is any change in the disability(ies). The reevaluation must be completed within a reasonable timeframe, no later than the three-year reevaluation date. However, many factors should be considered in determining a reasonable timeframe for the completion of a reevaluation, such as the needs of the child, the date of the last comprehensive evaluation, parent input, and changes in the child's behavior, attendance, and rate of progress.

22. Does a child's eligibility for special education expire after three years?

No. A child's eligibility for special education does not expire. However, the data used in the child's last eligibility report may have expired, be outdated, and no longer valid. In such case, a comprehensive reevaluation is warranted. Additionally, a reevaluation, which can include only a review of existing evaluation data, must occur at least once every three years, unless the parent and the LEA agree that a reevaluation is unnecessary.

23. What is the starting date of the three-year period for a reevaluation?

The date of the completion of the reevaluation process begins the next three-year reevaluation cycle. If, after reviewing the existing data on the child, a child's IEP Team decides no additional data is needed to determine: (1) whether the child continues to have a disability and the educational needs of the child; (2) the present levels of academic achievement and related developmental needs of the child; (3) whether the child continues to need special education and related services; (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 in the IEP; and (5) whether any additions or modifications to the special education and related services are needed to enable the child to participate in the general education curriculum, the date of this decision completes the reevaluation process and the last eligibility date does not change. In no more than three years from that date, the need for reevaluation must be considered again. The decision not to conduct any assessments of the child as part of a reevaluation must be documented. Please note that the "burden of proof" for a decision that no additional data is needed at the three-year mark lies with the LEA.

If, after reviewing the existing data on the child, a child's IEP Team decides additional information is needed to determine: (1) the present levels of academic achievement and related developmental needs of the child; (2) whether the child continues to have a disability or additional areas of need due to a disability; (3) whether the child continues to need special education and related services; (4) whether the child needs any additions or modifications to the special education and related services to meet the measurable annual goals set in the IEP; and/or (5) whether the child needs any additions or modifications to the special education and related services to enable participation, as appropriate, in the general education curriculum, then after additional assessments are complete, the Team reviews those assessments and determines the child's continued eligibility and educational needs. Once this determination is made, this completes the reevaluation process and the date of this determination is the child's reevaluation date and current eligibility date. In no more than three years from that date, the need for reevaluation must be considered again.

24. When would it be appropriate for a Team to comprehensively review the current data available for a child?

At any time, including during the annual review IEP Team meetings. Similar to the review of existing data that takes place during the reevaluation process, during the annual review of a child's IEP, the Team's review of existing data includes, in part, determining the child's present levels of academic achievement and related developmental needs; whether the child needs any additions or modifications to the special education and related services to meet

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the measurable annual goals set forth in the IEP; and whether the child needs any additions or modifications to the special education and related services to enable participation, as appropriate, in the general education curriculum.

25. What happens if the parent refuses consent to administer additional assessments as part of a reevaluation?

The LEA may, but is not required to, pursue the reevaluation through mediation or a due process hearing. If the LEA believes based on a review of existing evaluation data, that the child does not continue to have a disability or does not continue to need special education and related services, then the LEA can decide to discontinue the provision of special education services and supports. If the LEA discontinues the provision of special education services, it must provide prior written notice to the parent of its proposal to discontinue the provision of FAPE to the child, including the right of the parent to request mediation or a due process hearing if the parent disagrees with the LEA's decision to discontinue the provision of FAPE to the child. Questions and Answers on Individualized Education Programs (IEPs), Evaluations, and Reevaluations, Question and Answer D-4, U.S. Dep't of Educ., Office of Special Education and Rehabilitative Services (OSERS), September 2011.

26. If the IEP Team determines that the child continues to be eligible for special education services and it understands the child's current educational needs without additional information, but also determines that an assessment is required for a specific purpose (e.g., educational planning purposes, vocational rehabilitation purposes, social security purposes, etc.), what happens if the information obtained in that assessment suggests that a change in the child's disability category might be appropriate?

As an initial matter, if the Team determines that formal assessments are needed for "educational planning purposes," then this purpose is part of the educational needs of the child, and formal assessments should be conducted as part of the reevaluation process. If the Team determines that a formal assessment is needed for a non-IDEA related purpose, then this decision is not part of the reevaluation process. Therefore, such determination and additional steps related to that determination are within the discretion of the LEA. However, it is worth noting that IDEA funds should not be used for non-IDEA related assessments.

Regardless of whether a formal assessment is conducted as part of a reevaluation, the IEP Team must consider all information. Test scores alone do not determine whether the LEA should reconsider eligibility. On a case-by-case basis, this information should be reviewed and the determination that the child continues to meet eligibility may need to be revised based on the additional information. Eligibility is always a two-prong consideration: (1) Does the child meet the definition of disability in one or more of the IDEA categories; and (2) Does

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the child's disability adversely impact his/her education so that he/she needs special education and related services? The LEA certainly does not have to wait three years to consider eligibility again. The IEP Team should meet to determine if a comprehensive evaluation is appropriate.

27. How do we address the issue of children not being formally evaluated at multiple successive reevaluation milestones?

Occasionally, children have been evaluated at a young age and found eligible for special education but are never or seldom evaluated again. While this is not prohibited, this is not a best practice. The overriding consideration is that the child's school experience continues to be appropriate every year. This highlights the importance of annual IEP reviews, which include a thorough review of current information about the child. A child whose eligibility and needs were determined at a young age undergo substantial changes during maturation that may call for a new appraisal of needs and appropriateness of placement. Reevaluation can identify and document any changes that have occurred and determine whether the disability is still impacting the child's education and current educational needs.

28. What data are used for progress monitoring for a child who is being reevaluated?

Children currently receiving special education services have progress monitoring data collected from their established IEP goals. These children may also be receiving tiered interventions in areas not currently addressed in their IEP. Depending on the area(s) being evaluated, all this information can be used as needed.

29. What must an LEA do if a request for an evaluation is made during the time period when a child is subject to a disciplinary change in placement that exceeds 10 school days?

The LEA must conduct the evaluation in an expedited manner, and until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the child is determined to be a child with a disability, the LEA must consider information from the evaluation and from the parents and provide special education and related services. See [34 C.F.R. § 300.534\(d\)\(2\)\(i\)-\(iii\)](#).

30. Is the LEA required to use the state recommended forms?

No; however, it is expected that all of the required components specified in the IDEA will be included in any special education related forms if LEAs choose to develop and utilize different forms.

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31. Are school psychologists, speech-language pathologists, occupational therapists, physical therapists, and any other Team members who conduct any portion of the comprehensive evaluation required to write an evaluation report?

Yes. All evaluators must complete individual or combined evaluation reports. The eligibility team must consider the comprehensive evaluation report(s) when determining eligibility.