



Policy Guidance

Special Education Reevaluation Process

Michigan Department of Education Office of Special Education
April 30, 2019

A student's special education needs may change throughout the course of their educational career, and the reevaluation process is developed to assess these evolving needs. A district must ensure a reevaluation of each student with a disability is conducted when:

- The district determines the student's special education and related services and the student's educational needs, including improved academic achievement and functional performance, warrant a reevaluation; or
- The child's parent or teacher requests a reevaluation.

A reevaluation may occur not more than once a year, unless the parent and the public agency agree otherwise; and must occur at least once every three years, unless the parent and the public agency agree a reevaluation is unnecessary. The three-year date for conducting a reevaluation is not reset based on an evaluation to add or remove a service.

Review of Existing Evaluation Data

34 CFR § 300.305(a)

A review of existing evaluation data is the first step of reevaluation. A review of existing evaluation data includes:

- Evaluations and information provided by the parents of the child;
- Current classroom-based, local, or state assessments;
- Classroom-based observations; and

- Observations by teachers and related service providers.

Based on the review of existing data, the team determines any additional data needed to determine:

- Whether the student continues to have such a disability and the educational needs of the student;
- The present levels of academic achievement and related developmental needs of the student;
- Whether the student continues to need special education or related services; or
- Whether any additions or modifications to the special education and related services are needed to enable the student to meet their individualized education program (IEP) goals and to participate, as appropriate, in the general education curriculum.

When Additional Data Is Not Needed

34 CFR § 300.305(d), R 340.1702, R 340.1721b

If the IEP team and other qualified professionals, as appropriate, determine no additional data are needed to determine whether the student continues to be a student with a disability, and to determine educational needs, the district must notify the parent of the determination of no additional data needed and the reasons for the determination; and the right of the parents to request an assessment to determine whether the student continues to be a student with a disability, and to determine the student's educational needs.

Determining Continued Eligibility

If the IEP team and other qualified professionals, as appropriate, determine additional data are needed to determine whether the student continues to be a student with a disability, and to determine educational needs, the district must do the following:

- Develop an evaluation plan;
- Obtain parental consent to implement the evaluation plan;

- Administer such assessments and other evaluation measures as may be needed to produce the data identified.

34 CFR § 300.306, R 340.1721a

After completing the assessments and other evaluation measures, the IEP team determines whether the student continues to be a student with a disability, as defined in 34 CFR § 300.8 and the educational needs of the child.

When considering a student's continued eligibility, the IEP team must not determine a student to be eligible for special education programs and services if:

- The determinant factor for the determination is a lack of appropriate instruction in reading, including the essential components of reading instruction;
- Lack of appropriate instruction in math; or
- Limited English proficiency; and
- If the student does not otherwise meet the eligibility criteria.

Special Considerations for Determining Continued Eligibility

When determining continued eligibility in a reevaluation process, the district should consider the following:

- Has the student met their IEP goals?
- What is the student's independent level of learning?
- Has the skill gap been closed at an independent level? What is the student's ability to meet state standards?
- Are the IEP programs/supports/services which have been provided necessary for the student to continue to access the general curriculum and make progress toward goals and objectives?

It is important to remember a student does not have to fail or be retained in a course or grade in order to be considered for special education and related services. However, in order to be eligible for special education services the student must:

1. Need special education or related services because of a disability; and
2. Have met the criteria of one the eligibility categories in R 340.1705—R 340.1717 of the Michigan Administrative Rules for Special Education.

Considerations Before a Change in Eligibility

Federal Register, 71, No. 156 pg. 46648, August 14, 2006

Before exiting a student from special education, districts must evaluate a student with a disability in accordance with 34 CFR §§ 300.304 through 300.311 unless the student is exiting special education due to graduation or aging out. Districts should consider the effect of exiting a student from special education who has received special education and related services for many years and how the removal will affect the student's educational progress, particularly for a student who is in the final year(s) of high school. The IEP team should consider whether the student's instruction and overall special education program have been appropriate as part of this process. If the special education instruction has been appropriate and the student has not been able to exit special education in the past, this would be strong evidence the student's eligibility needs to be maintained.

Resources

[Michigan Administrative Rules for Special Education \(MARSE\) with Relate IDEA Federal Regulations](#)

[Questions and Answers on Individualized Education Programs \(IEPs\), Evaluations and Reevaluations](#)

[Letter to Anonymous, Office of Special Education Programs, February 6, 2007](#)