



January 23, 2007

TO: LACOE Administrators

FROM: Compliance Support Services

**SUBJECT: Compliance Information Bulletin Number 18
Parent Requests for Reevaluation**

Question: What is a reevaluation and is there a limit to the number of formal assessments (i.e. reevaluations) a parent can request?

Answer: A reevaluation under 34 CFR 300.533(a)(2) of the IDEA regulations should address the following four issues:

1. Whether the child continues to have a particular category of disability
2. Ascertainment of the child's present levels of performance and educational needs
3. Whether the child continues to need special and related services
4. Whether any additions or modifications to the special education and related services called for in the child's IEP are needed to enable him or her to meet the measurable annual goals set out therein or to participate, to the extent appropriate, in the general curriculum.

The language in IDEA 2004 governing the frequency of reevaluations provides that district must ensure a reevaluation is conducted and it determines "that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant" or upon parental or teacher request. Section 614(a)(s)(A).

The new law prohibits a reevaluation from occurring any more frequently than once a year unless the parents and the district agree otherwise. Section 614(a)(2)(B)(i). As is the case in the prior statute, IDEA 2004 mandates a reevaluation every three years, but now the reevaluation

Page 2

does not have to take place if the parents and district agree that it is unnecessary. Section 614(a)(2)(B)(ii)

On its face, the IDEA requires that the school district conduct a comprehensive reevaluation when a parent or teacher requests one.

The law appears to give a school district the opportunity to demonstrate to the parents that such an undertaking is not required.

If, after such review, the team determines that no additional data are needed to determine whether the student continues to be a child with a disability, the school district need not perform the reevaluation at that time. Instead it may notify the child's parents in writing of that determination and the reasons for it, also informing them of their right to request an assessment. The district is not required to conduct an assessment unless the parents persist in their request. 20 USC 1414(c)(4), Section 614 (c)(4) of IDEA 2004.

Reference:

The Answer Book on Special Education Law, Fourth Edition by Susan Gorn and John W. Norlin, LRP Publications