

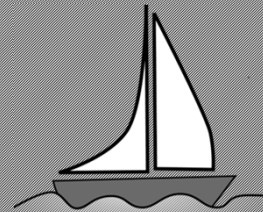


Navigating Your Way Through the REED Process

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Adapted from SWEP Conference February 2012

AGENDA



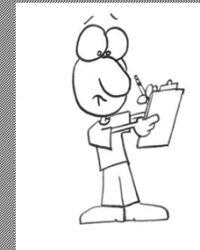
- Legal Requirements
- A Process to Follow
- FIE Planning Document
- Due Process Hearings
- Frequently Asked Questions

Purpose



- To provide districts with a process to conduct productive reviews of existing evaluation data.

Pre-test




Take a piece of paper and write the answer to the following question


What do these things have in common?



A hand flipping a coin, a fan of playing cards (8 of clubs, Ace of spades, 5 of diamonds, 5 of spades), two dice, and a roulette wheel.



They are all ways not to make evaluation decisions for individual students.




Federal Requirements

Additional

34 Code of Federal Regulations §300.305. Additional requirements for evaluations and reevaluations.

Review of existing evaluation data

As part of an initial evaluation (if appropriate)—



During Initials???

- Parent provides a private report
- Parent revokes consent then reconsiders
- Child previously DNQ and then reconsiders



Review of existing evaluation data

and as part of any reevaluation under this part,



Re-Evaluations

- Within 3 years of the previous FIE
- Whenever additional assessment is needed
- Any assessment that occurs after the initial is considered a reevaluation



Review of existing evaluation data

the IEP Team and other qualified professionals, as appropriate, must



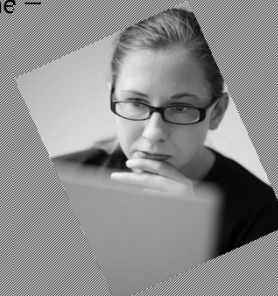
Review existing evaluation data on the child, including



- ☞ Evaluations and information provided by the parents of the child;
- ☞ Current classroom-based, local, or state assessments, and classroom-based observations; and
- ☞ Observations by teachers and related services providers.

Review existing evaluation data

On the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine —



During an Initial Evaluation

- Whether the child is a child with a disability, as defined in § 300.8, and the educational needs of the child;
- The present levels of academic achievement and related developmental needs of the child; and
- Whether the child needs special education and related services.

During a Reevaluation

- Whether the child continues to have such a disability and the educational needs of the child;
- ☞ Whether the child continues to need special education and related services;
- Present levels of academic achievement and related developmental needs of the child; and

During a Reevaluation

- 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 individualized education program of the child and to participate, as appropriate, in the general education curriculum.

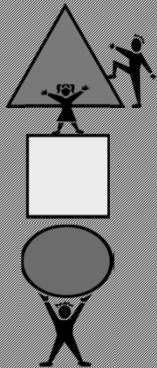


What reevaluation shares with initial evaluations.

- Purpose
- Prior written notice
- Review of existing evaluation data
- Parent consent
- Procedural safeguards notice
- Gathering additional data, if needed
- Parent involvement in the evaluation group
- Factors involved in determining eligibility
- Parent involvement in eligibility determination
- Reporting to parents

Activity

Geometric Review



Significant points

Squares with beliefs

Still circling in head



WHEN

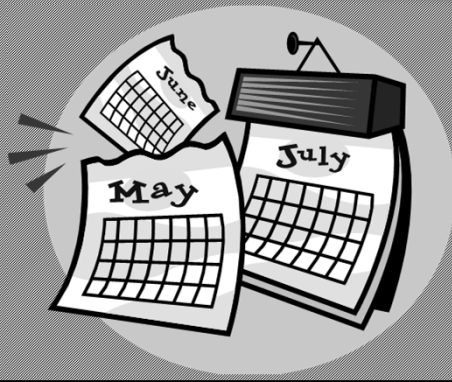


When should a REED be conducted



- We would conduct a REED prior to the due date for a three-year reevaluation.
- We would conduct a REED whenever additional assessment is requested.
- Any assessment that occurs after the initial Full Individual Evaluation (FIE) for a child who is eligible is considered a reevaluation.

What is our timeline for a REED?



For Initials

- Once the referral has been given and the parent has signed consent the timeline for assessment begins
 - 45 school days to complete the assessment
 - School days do not include any day that a student is not in school, such as:
 - Weekends, Student Holidays, Staff Development Days, Spring Break, Winter Break, Summer Break
 - 30 calendar days from the day of the report in order to go to ARD to present the report

If the REED process is appropriate, it may occur as part of the initial evaluation.

For the three-year reevaluation

- The REED should be conducted prior to the due date and with enough time for any requested evaluation to be completed and report written by the due date of the three-year reevaluation.

For any other reevaluation

- The REED process must be completed prior to any reevaluation to determine what data is needed. For any other reevaluation that is not the three-year reevaluation, it must be completed by the timeline designated by the ARD Committee (ARDC).

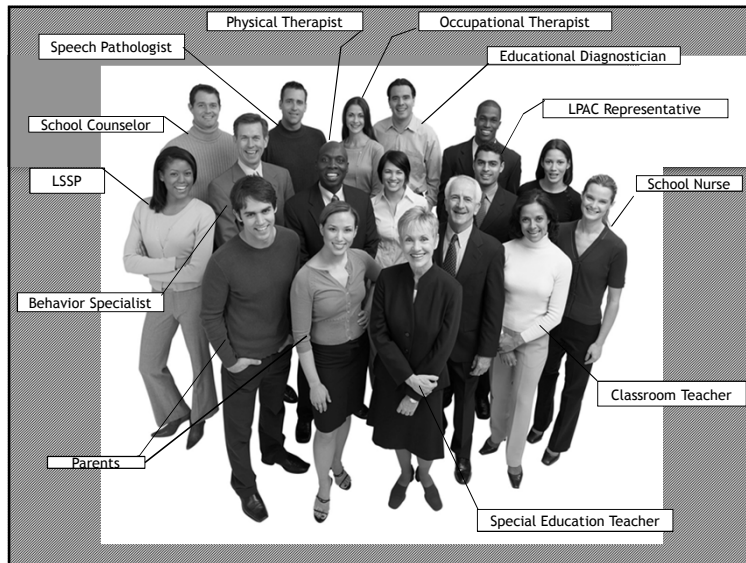
Due Process Hearings Docket No. 036-SE-1010

Failure to conduct a timely re-evaluation

What did the hearing officer say?

WHO

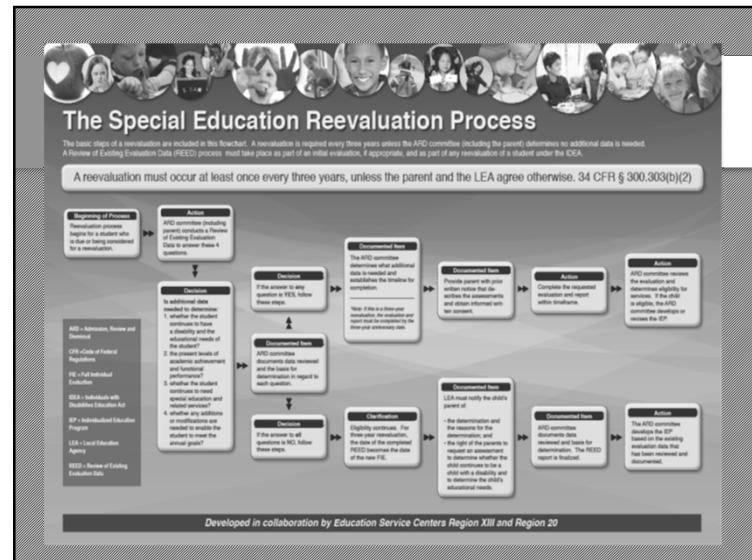
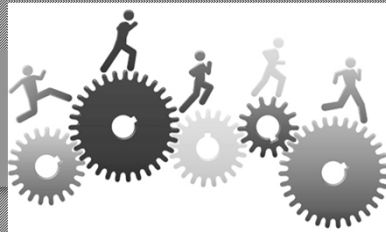




Who?

- If the child has a Visual Impairment and/or Auditory Impairment the MDT will include the VI and/or AI teacher.
- While we've reviewed a list of individuals who may be part of the MDT, it is not an inclusive list. There may be other individuals who will need to be included depending on the child's identified needs such as an adaptive physical education teacher, an art therapist, an in-home trainer, etc.

HOW



The Process Begins

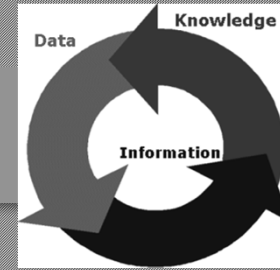
Beginning of Process

Reevaluation process begins for a student who is due or being considered for a reevaluation.

Action

ARD committee (including parent) conducts a Review of Existing Evaluation Data to answer these 4 questions.

WHAT



Existing Data

- Evaluations from previous years
- Information provided by the parents of the child
- Information from the child's teacher(s) and related service providers



Is additional data needed...

Decision

Is additional data needed to determine:

1. whether the student continues to have a disability and the educational needs of the student?
2. the present levels of academic achievement and functional performance?
3. whether the student continues to need special education and related services?
4. whether any additions or modifications are needed to enable the student to meet the annual goals?

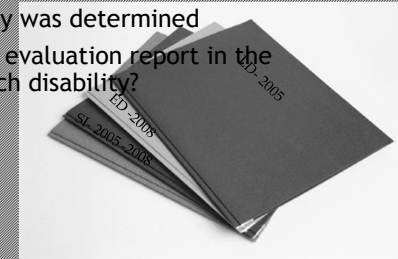
Evaluation and Assessment Review

- Sociological Evaluation Review
- Communication Evaluation Review
- Speech/Language Evaluation Review
 - Fluency/Voice Evaluation Review
 - Language Evaluation Review
 - Articulation Evaluation Review
- Health Evaluation Review
- Emotional/Behavioral Evaluation Review
- Cognitive/Intellectual Evaluation Review
- Adaptive Behavior Evaluation review
- Achievement Evaluation Review
- Assistive Technology Evaluation Review

IEP and Records Review

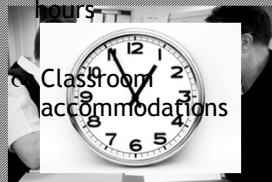
IEP and Records Review

- Current primary disability and secondary disabilities
- Date each disability was determined
- Is there a relevant evaluation report in the student file for each disability?



IEP and Records Review

Special education



Historical progress on goals

Last IEP meeting

- Services being provided



Sociological Information

- Any significant changes in the student's environment over previous three years

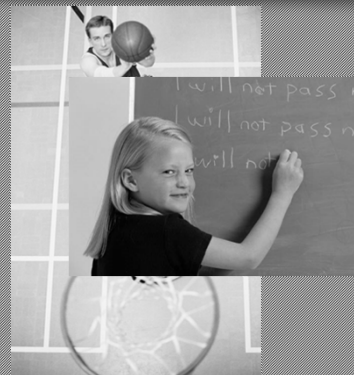


Health Assessment Review

- Address medical issues
 - Changes
 - Current medications
 - Summary of previous medical evaluations
 - Previous and current vision and hearing screenings and evaluations
 - Current release to talk with physician



Physical



Language/Communication Assessment Review



- Second Language issues
 - Results of TELPAS evaluations
 - LPAC Committee reports
 - Instructional supports provided to address second language acquisition

Language/Communication Assessment Review

- Fluency/Voice Evaluation Review
- Language Evaluation Review
- Articulation Evaluation Review
- Mode of Communication



Due Process Hearing Docket No. 058-SE-1110

- Reducing the student's speech therapy services without evaluation data to justify the reduction and contrary to the student's physician request for speech therapy and the student's need to work on social skills

Due Process Hearing Docket No. 058-SE-1110

- Reducing the student's speech therapy services without evaluation data to justify the reduction and contrary to the student's physician request for speech therapy and the student's need to work on social skills

What did the hearing officer say?

Emotional/Behavioral Status

- Behavior - adequate or problematic
- Has a Functional Behavior Assessment (FBA) been completed during the previous 3-years? IF yes, describe targeted behaviors in the most current FBA.



Emotional/Behavioral Status

- If a Behavior Intervention Plan (BIP) is in effect describe the progress monitoring data available and determine whether the BIP is still appropriate.
- Indicate whether or not the students' current behavior warrants further evaluation. (FBA or Comprehensive Evaluation)



Due Process Hearings Docket No. 036-SE-1010

Failure to conduct a Functional Behavior Assessment

- Inappropriate behaviors were documented in a conduct log beginning in April 2010. Similar behaviors were documented while the student attended another school.

What did the hearing officer say?

Intelligence/Cognitive Evaluation Review

- Review results of last assessment
- Review areas of concern
- Review progress



Adaptive Behavior Evaluation Review

- Previous results
- Previous area(s) of concern
- Progress



Academic Achievement Assessment Review

- Previous achievement assessment results
- Curriculum based assessments
- Progress monitoring data on goals



Academic Achievement Assessment Review

- TAKS Assessment results
- STAAR Assessment results
- Accommodations used by the student during assessment



Assistive Technology Assessment Review

- Related service evaluation reports
- Learning Media Assessment
- Functional Vision Evaluation
- Progress reports



Due Process Hearings Docket No. 036-SE-1010

Failure to develop IEP based on appropriate evaluation.

What did the hearing officer say?

Transition Assessment Review

- Interest Inventories
- Functional vocational assessments
- Post-secondary goals
- Progress toward goals

What happened in the case we are following?

Docket No. 036-SE-1010
Final Decisions

- Because of the Districts failure to conduct an appropriate evaluation, a full individual evaluation is needed not just to determine the student's current needs for ongoing educational services, but to determine the areas in which compensatory services should be provided.

HOW

No Additional Data Needed

Documented Item

ARD committee documents data reviewed and the basis for determination in regard to each question.

Decision

If the answer to **all** questions is **NO**, follow these steps.

No Additional Data Needed

Clarification

Eligibility continues. For three-year reevaluation, the date of the completed REED becomes the date of the new FIE.

No Additional Data Needed

Notify the parent

Explain your decision

Explain parents rights to request an evaluation

Documented Item

LEA must notify the child's parent of:

- the determination and the reasons for the determination; and
- the right of the parents to request an assessment to determine whether the child continues to be a child with a disability and to determine the child's educational needs.

No Additional Data Needed

Action

The ARD committee develops the IEP based on the existing evaluation data that has been reviewed and documented.

Provide documentation

Finalize report

Develop the IEP

HOW Additional Data Needed

Documented Item

ARD committee documents data reviewed and the basis for determination in regard to each question.

Decision

If the answer to **any** question is **YES**, follow these steps.

Additional Data Needed

Documented Item

The ARD committee determines what additional data is needed and establishes the timeline for completion.

**Note: If this is a three-year reevaluation, the evaluation and report must be completed by the three-year anniversary date.*

Determine what data is needed

Establish timeline

Additional Data Needed

- Prior Written Notice
- Obtain informed written consent

Documented Item

Provide parent with prior written notice that describes the assessments and obtain informed written consent.

Additional Data Needed

Action

Complete the requested evaluation and report within timeframe.

- Complete the evaluation
- Complete the report

Additional Data Needed

Action

ARD committee reviews the evaluation and determines eligibility for services. If the child is eligible, the ARD committee develops or revises the IEP.

- ARD Committee reviews the evaluation
- ARD Committee develops/revises the IEP

REPORTS



Reports

- Identifying information
- Reason for referral
- Review of previous evaluations and educational history (if applicable)
- Sociological information
- Language/Communication
- Physical (including motor abilities)
- Health history
- Classroom observations
- Emotional/Behavioral
- Intelligence/Cognitive
- Adaptive Behavior
- Academic Achievement
- Assistive Technology
- Transition (if appropriate)
- Summary and Conclusions
- Recommendations
- Assurances
- Multidisciplinary Team signatures

Documentation for REED



Following a process leads to a clear path in completing a review of existing data



Activity

MISSIONS ACCOMPLISHED:

Scenario 1

1. You are going to analyze this review of existing evaluation data. As part of this review no additional assessment was requested. This review of existing evaluation data (REED) was accepted as the student's new FIE for his three year reevaluation.
2. Each table has an assigned mission. Take the colored card on your table and as a group complete the mission. You have approximately 5 minutes to complete your mission
3. What would make this an acceptable REED?

Scenario 2

1. You are going to analyze this review of existing evaluation data. As part of this review no additional assessment was requested. This review of existing evaluation data (REED) was accepted as the student's new FIE for his three year reevaluation.
2. Each table has an assigned mission. Take the colored card on your table and as a group complete the mission. You have approximately 5 minutes to complete your mission
3. What would make this an acceptable REED?
4. What might make it even better?

FREQUENTLY ASKED QUESTIONS

Frequently Asked Questions

- If a REED is done and the ARDC requests additional evaluation, is the REED date the three-year reevaluation date?
- If the ARDC requests additional evaluation, the reevaluation process is not complete until the evaluation and report are completed. The evaluation report should be completed by the three-year reevaluation date.

Frequently Asked Questions

- The ARDC for a student eligible as a student with a speech impairment conducts a REED and requests emotional and academic evaluation. After the requested evaluations are completed, the ARDC requests an evaluation by the occupational therapist. Should a new REED be conducted?
- A REED must take place as part of any reevaluation of a student under IDEA. The REED is the process of looking at a student's existing data to determine if additional data are needed.

Frequently Asked Questions

- When a child is referred from ECI, do we conduct a REED for these referrals?
 - For an initial evaluation, a REED would take place if it is appropriate.

Frequently Asked Questions

- An initial FIE was conducted and the student did not qualify for special education services due to no educational need. A year later, the school refers the child for evaluation. Do we need new testing?
 - If the ARDC determines a REED is appropriate, a REED would be conducted to determine whether further assessment is needed to determine: if the student is a student with a disability under IDEA; the educational needs of the child; the PLAAFP; whether the student needs special education and related services.

Frequently Asked Questions

- Do we need a new eligibility after a REED that determines no new data is needed?
 - If the ARDC determines that no additional data is needed, then the LEA is not required to conduct further evaluation and the REED may constitute as the student's three-year reevaluation.

DUE PROCESS HEARINGS



**Due Process Hearings
Docket No. 148-SE-0211**

Issues

- District has not provided appropriate evaluations
- District failed to timely identify the student for an Emotional Disturbance and Other Health Impairment
- Psychological evaluation is inappropriate

Disabilities: Specific Learning Disabled, Emotional Disturbance and Speech Impairment
(ADHD, Bipolar Disorder and aggressive behaviors)

**Due Process Hearings Docket
No. 148-SE-0211**

- District failed to timely identify the student for an Emotional Disturbance and Other Health Impairment

**Due Process Hearings Docket
No. 148-SE-0211**

- District failed to timely identify the student for an Emotional Disturbance and Other Health Impairment

What did the hearing officer say?

**Due Process Hearings
Docket No. 148-SE-0211**

District has not provided appropriate evaluations
Psychological evaluation is inappropriate

What did the Hearing Officer say?

Due Process Hearings
TEA Docket No. 208-SE-0511

Issues

- Failure to implement an appropriate behavioral intervention plan (BIP)
- Failure to timely conduct a psychological evaluation

Disabilities: ED and OHI (ADHD/Bipolar with mood swings)

Due Process Hearings
TEA Docket No. 208-SE-0511

Failure to implement an appropriate behavioral intervention plan (BIP)

Due Process Hearings
TEA Docket No. 208-SE-0511

Failure to implement an appropriate behavioral intervention plan (BIP)

What did the Hearing Officer say?

Due Process Hearings
TEA Docket No. 208-SE-0511

Failure to timely conduct a psychological evaluation

Due Process Hearings TEA Docket No. 208-SE-0511

Failure to timely conduct a psychological evaluation

What did the Hearing Officer say?

Resources

Resources

- TEA Guidance Related to Evaluations: Review of Existing Evaluation Data (REED)
<http://www.tea.state.tx.us/index2.aspx?id=2147499>
970 and
<http://www.tea.state.tx.us/index2.aspx?id=2147500009>
- Legal Framework for the Child-Centered Special Education Process
- <http://framework.esc18.net/>



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