

GAINESVILLE INDEPENDENT SCHOOL DISTRICT SPECIAL EDUCATION OPERATING PROCEDURES: REVIEW OF EXISTING EVALUATION DATA

The Gainesville ISD has entered into an Interlocal Agreement to cooperatively operate its special education programs under the authority of Tex. Ed. Code § 11.157. The Denton County Special Education Services Cooperative may provide for the efficient delivery of legally required special education and related services to the Gainesville's eligible students with disabilities as set forth in the Interlocal Agreement, including the implementation of these Special Education Operating Procedures.

Gainesville ISD Board Policy along with these *Special Education Operating Procedures* constitute the Policies and Procedures of Gainesville ISD, designed to be consistent with the State policies and procedures developed pursuant to the IDEA. Gainesville ISD *Special Education Operating Procedures* are not to be for the purpose of creating a requirement that is not otherwise imposed by the Individuals with Disabilities Education Improvement Act ("IDEA"), together with its implementing federal regulations, state statutes and rules, as they shall from time to time be amended, and shall not be construed to create a higher standard than that established by IDEA. These *Special Education Operating Procedures* will be posted on Gainesville ISD's website. These *Special Education Operating Procedures* should be interpreted consistent with the IDEA. Gainesville ISD's *Special Education Operating Procedures* are reviewed and updated, as needed, on at least an annual basis. Gainesville ISD will make timely changes to policies and procedures in response to IDEA amendments, regulatory or rule changes, changes to state policy, or new legal interpretation as are necessary to bring Gainesville ISD into compliance with the requirements of IDEA. Gainesville ISD maintains systems to ensure that all students with disabilities residing in the District, including students with disabilities attending non-public schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and provided a free appropriate public education. Gainesville ISD maintains systems to ensure that students with disabilities and their parents are afforded the procedural safeguards required under the IDEA (and its implementing federal regulations, state statutes and rules) including with respect to the confidentiality of records and personally identifiable information.

What are the procedures for conducting a review of existing evaluation data (REED) as part of an initial evaluation (if appropriate) and any reevaluation?

As part of an initial evaluation, if appropriate, and as part of any reevaluation, relevant members of the student's ARD committee, together with any additional relevant professional staff, if necessary, will review the student's existing evaluation data, including:

- evaluations and information provided by the student's parent or guardian;
- current classroom-based, District or State assessments, and classroom-based observations of the student; and
- observations by teachers and related services providers.

On the basis of that review, as well as input from the student’s parent(s) or guardian(s), the student’s ARD committee will identify what additional assessment or evaluations, if any, are needed to determine: (1) whether the student is or remains a student with a disability, including on the basis of having 1 or more additional as of yet unidentified suspected disabilities; (2) whether the student needs or continues to need special education and related services; (3) the educational needs of the student, including the student’s present levels of academic achievement and related developmental needs; and (4) 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 IEP of the student and to participate, as appropriate, in the general education curriculum.¹

PRACTICE GUIDE— The District should carefully consider whether existing evaluation data is sufficient to describe the student’s current academic and functional needs even when the student’s eligibility may not be in question. When determining whether or not a REED is sufficient instead of reevaluation for a particular student, the ARD committee and other qualified professionals as appropriate may consider whether any additions or modifications to the student’s existing special education program may be needed for progress.

The group conducting the REED may conduct the review without a formal meeting of the student’s ARD committee.²

If the student’s ARD committee, including the parent or guardian, determine that no additional data (including in a new assessment area) are needed to determine whether the student is or continues to be a student with a disability, and to determine the student’s educational needs, the District will notify the student’s parents or guardians about:

- the determination and the basis for the ARD committee’s determination, and
- their right 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.³

Informed parental consent is not required before conducting a REED as part of an initial evaluation or a reevaluation. Likewise, informed parental consent is not needed when the District is administering a test or other evaluation that is administered to all students unless consent is required for all students.⁴

¹ 34 C.F.R. § 300.305(a)

² 34 C.F.R. § 300.305(b)

³ 34 C.F.R. § 300.305

⁴ 34 C.F.R. § 300.300(d); 34 C.F.R. § 300.302

Demonstrations of this procedure's implementation may include, but are not limited to, examples such as:

- Prior evaluation reports
- current classroom-based, District or State assessments, and classroom-based observations of the student
- observations by teachers and related services providers
- Training materials
- Telephone logs of calls made and attempted
- Records of written correspondence
- Records of visits to the parent's home or place of employment
- Notices to parents concerning the District's determination of whether additional evaluation is needed and concerning the parent's rights