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TO: District Administrators, CESA Administrators, CCDEB Administrators,
Directors of Special Education and Pupil Services, and Other Interested Parties

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SUBJECT: Special Education Evaluation

Local Educational Agencies (LEA) must ensure all resident students who have not graduated with a regular high school diploma and who may need special education and related services are identified, located, and evaluated, according to the Individuals with Disabilities Education Act (IDEA). [34 CFR § 300.111\(a\)\(i\)](#). Each initial special education evaluation and subsequent reevaluation reflects a comprehensive consideration of information that helps the student's Individualized Education Program (IEP) team make decisions about special education eligibility or continuing eligibility and identify the student's educational needs. If the student is found eligible, the IEP team must develop an IEP that is reasonably calculated to enable the student to make progress appropriate in light of the student's circumstances. The IEP must address the student's disability-related needs so the student can be involved in and make progress in the general education curriculum and meet the standards that apply to all students of the same age and grade. Specifically, the IEP team must follow the procedural and substantive requirements specified in the IDEA and Wisconsin Statute Chapter 115 when conducting an evaluation.

Each year the department receives numerous questions from educators and families regarding how to properly conduct initial special education evaluations and reevaluations. The department has developed this bulletin to address those questions and provide updated guidance in this area. The guidance reflects state and federal regulations on conducting special education evaluations to determine eligibility for IEP services.

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General Provisions

1. What is a special education evaluation?

A special education evaluation is a process that helps LEAs and parents (as defined under special education law) determine if a student has a disability and the educational needs of the student that requires IEP services. [34 CFR § 300.301\(c\)\(2\)](#). A student with a disability is one who has been found to meet criteria for any disability category and, as a result, requires specially designed instruction. [34 CFR § 300.8](#). If it is found that the student has a disability under one of the specified categories, but the student only needs a related service, then the student is not considered a child with a disability under state and federal special education law. [34 CFR § 300.8\(a\)\(2\)\(i\)](#). The student may, however, require a Section 504 plan. [More information about Section 504 plans may be found here.](#)

Consequently, determining eligibility for special education is a two-part process. First, the IEP team must find that the student meets the criteria for one or more of the disability categories. Second, the IEP team must find that because of their disability, the student requires specially designed instruction. [Marshall Joint School Dist. No. 2 v. C.D., 616 F.3d. 632 \(7th Cir. 2010\)](#).

A student cannot start receiving special education services without a full and individual comprehensive special education evaluation, the development of an IEP, and parental consent for the initial provision of services. [34 CFR § 300.301\(a\)](#). Once found eligible, a student is periodically reevaluated to determine continuing eligibility and disability-related needs. In Wisconsin, the student's IEP team conducts the initial special education evaluation and subsequent reevaluations.

Every special education evaluation (initial evaluation and reevaluation) must use various technically sound and non-discriminatory assessment tools and strategies to gather relevant functional, developmental, and academic information about a student, including information provided by the student's parent. This includes assessment tools and strategies aimed at reducing racial disproportionality in special education. The IEP team uses such information to determine 1) whether the student is a student with a disability; and 2) the content of the eligible student's IEP, including information related to enabling the student to access, engage, and make progress in the general education curriculum appropriate to the student's age or grade, or for a preschool student, to participate in age-appropriate activities. Every special education evaluation must be sufficiently comprehensive to identify all of the student's disability-related needs, whether or not commonly linked to the disability category(s) in which the student has been classified. [34 CFR § 300.304](#).

2. What does it mean to conduct a "full and individual" comprehensive evaluation?

By definition, a "full and individual" evaluation must always be comprehensive. Traditionally, IEP teams have primarily focused on disability category criteria. However, every special education evaluation must be sufficiently comprehensive to also identify all of the student's disability-related needs, whether or not commonly linked to the disability category(s) in which the student has been classified. [34 CFR § 300.304\(c\)\(6\)](#). The determination as to whether a student is a student with a disability is two-part: 1) Does the student meet the criteria for one or more of the disability categories? 2) As a result of the disability, does the student need specially designed instruction? Documentation the student met the criteria for one or more disability categories and the need for specially designed instruction is included in the Evaluation Report (DPI Form [ER-1](#)). Both determinations are part of a comprehensive evaluation.

A special education evaluation is sufficiently comprehensive when it provides enough information to allow the IEP team to collectively determine special education eligibility or continuing eligibility **and** identify the effects of the student's disability and subsequent disability-related needs. In other words, the evaluation must yield enough information to allow the team to move forward to develop or review and revise the student's IEP if the student is found eligible for special education. This means the team must have the information needed to make decisions about how to educate the student so the student can access instruction and make progress toward meeting the expectations and standards that apply to all students of the same age or grade. IEP teams must consider multiple areas of need, whether or not such needs are commonly linked to the disability category(s) under consideration.

Key requirements of a comprehensive evaluation include the following:

- Before administering any new assessments or collecting any additional information, the IEP team conducts a thorough review of existing data. The purpose of this review is to decide if there is sufficient information to conduct a comprehensive evaluation of a student, including information to determine eligibility and to determine the student's disability-related needs, develop goals, and align special education services. The analysis of assessment data and other information occurs during the IEP team evaluation meeting to determine eligibility. DPI Form [ED-1](#) is used by the IEP team to document the review of existing evaluation data. IEP teams do not necessarily assess all academic and functional skill areas or apply criteria for all disability categories, but they must assess all suspected areas of concern. A thorough review of existing data ensures teams do not

miss any potential areas of academic or functional need, important for determining eligibility or continuing eligibility; and for sufficiently describing the effects of the student's disability and the student's disability-related needs so an IEP can be developed or revised, as needed. Special education evaluations must be sufficiently comprehensive to identify all of the student's disability-related needs. If an IEP team suspects a student may have disability-related needs in more than one area, the IEP team must consider multiple areas of need, irrespective of the disability category(s) under consideration.

- In conducting the evaluation, the IEP uses various technically sound assessment tools and strategies to gather relevant functional, developmental, and academic information about the student, including information provided by the parent. The IEP team may not base its decision on a single measure or assessment. [34 CFR § 300.304\(b\)](#).
- The assessments and other evaluation methods used during the evaluation must be selected and administered to be non-discriminatory, free of bias, and racially and culturally responsive. They must be administered by trained and knowledgeable persons and in the form and language most likely to yield valid and accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so. [34 CFR § 300.304\(c\)](#).
- The student is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, cognitive learning, academic performance, communication status, and motor abilities.
- The IEP team must compile and analyze existing or new information to reliably assess the student in all relevant academic and functional skill areas (i.e., academic, cognitive, communication, physical and health, independence and self-determination, and social-emotional). [34 CFR § 300.304\(c\)\(4\)](#).

3. **Must a special education evaluation always be completed before a student can receive IEP services for the first time?**

Yes, a student's LEA must conduct a full and individual comprehensive special education evaluation, an IEP must be developed, and the parent must provide written consent before the initial provision of special education and related services. [34 CFR § 300.301\(a\)](#).

4. **When is a special education evaluation required?**

Initial Evaluation: Whenever a written referral for an initial special education evaluation is received for a resident student aged 3 through 21, the LEA must appoint an IEP team, which includes the student's parents, and start the special education evaluation process. [Wis. Stat. § 115.78\(1m\)](#).

Reevaluation: LEAs must appoint an IEP team and reevaluate each eligible student if the LEA determines the student's special education needs (including improved academic achievement and functional performance) warrant a reevaluation; or if the student's parent or teacher requests a reevaluation. A reevaluation must be conducted at least once every three years unless the LEA and parent agree a reevaluation is not necessary. A reevaluation may not be conducted more than once a year unless the LEA and parent agree otherwise. [34 CFR § 300.303](#).

5. **What is meant by the requirement to conduct an evaluation that "assists in determining the content of the student's IEP"?**

The evaluation, in part, identifies the effects of the student's disability and disability-related needs that should be addressed in the student's IEP, irrespective of the student's disability

category. The evaluation serves as the foundation for the IEP developed or reviewed and revised following the evaluation. The information gathered, analyzed, and summarized during a comprehensive evaluation is used by the IEP team to develop the student's IEP so the student can access, engage, and make progress in age or grade-level general education curriculum, instruction, and environments. The evaluation results provide necessary information for identifying the student's present levels of academic achievement and functional performance and for making decisions about IEP goals and services, including baseline data from which to measure IEP goal progress.

6. What is the difference between a disability-related need and a disability category or impairment?

An impairment is a specific category of disability named in state and federal law. To be eligible to receive special education services, a student must be found to meet criteria for at least one disability category and, by reason thereof, need specially designed instruction. [34 CFR § 300.8](#); [Wis. Admin. Code § PI 11.36](#).

A disability-related need is related to the effects of the student's disability on the student's academic and functional performance compared to age or grade-level standards and expectations. A disability-related need is best stated as an academic or functional skill that the student needs to improve or increase to meet age or grade-level standards or expectations. Information from the evaluation about the effects of the student's disability and resulting disability-related needs related to access, engagement, and progress in age or grade-level general education curriculum is used to develop the IEP.

7. For an initial evaluation, does the team need only to evaluate areas addressed in the written referral?

No. The purpose of a referral for an initial special education evaluation is to inform the LEA that the individual submitting the referral suspects the student is a "child with a disability" and, as a result, needs special education services. While all referrals must include an explanation of why the individual believes the student is a child with a disability, they do not need to name a suspected disability category or identify all areas of suspected disability-related need. A referral should be seen as the starting point for planning the evaluation. Within the evaluation process, a referral is considered "existing information." During the review of existing data, the IEP team considers the information provided in the referral, along with other information from multiple sources. As part of this review, the IEP team considers areas of potential need as well as possible disability categories.

8. Are the requirements for a comprehensive special education evaluation different for students attending school in private, virtual, homeschool, or other non-public-school building settings?

No. The requirements are the same for all special education evaluations, whether a student is enrolled in a public school, private school, or a home-based education program, and receives their education in an in-person, virtual, or hybrid educational setting.

9. Can an IEP team determine eligibility under Section 504 of the Rehabilitation Act of 1973 that is concurrent with an initial special education evaluation or reevaluation?

Yes. LEAs may use the same evaluation process in determining eligibility under Section 504 and IDEA. There is nothing in federal or state regulations prohibiting an LEA from concurrently

considering eligibility during the same evaluation meeting. LEAs are encouraged to document IDEA and Section 504 eligibility decisions separately. For more information, see the Office of Civil Rights Document [Frequently Asked Questions About Section 504 and the Education of Children with Disabilities](#). Eligibility under Section 504 does not necessarily entitle a student to the same services as eligibility under IDEA.

General Obligations Related to Conducting Evaluations

Timelines

10. What are the timelines for conducting a special education evaluation?

The IEP team must make an eligibility determination within 60 calendar days of receiving a parent's consent for administering tests and other evaluation materials (DPI Form [IE-3](#) or [RE-5](#)) or providing the parent notice that no additional assessments are needed (DPI Form [IE-2](#) or [RE-4](#)). [34 CFR § 300.301\(c\)\(1\)\(i\)](#); [Wis. Stats. 115.78\(3\)](#).

11. Can the timelines ever be extended beyond the 60-day requirement?

Yes, there are three exceptions to the 60-calendar-day evaluation timeline. [34 CFR § 300.301\(d\)](#), [34 CFR § 300.30](#):

1. The parent of a student repeatedly fails or refuses to produce the student for the evaluation.
2. A student enrolls in a school of another LEA after the 60-calendar-day timeline has begun but before a determination of eligibility or continuing eligibility by the student's previous LEA (DPI Form [M-2](#)).
3. There is a written agreement with the parent to extend the timeline to complete the evaluation of a student suspected of having a specific learning disability (DPI Form [M-3](#)).

The LEA should complete the evaluation as soon as possible. Timeline extensions may not be used to unnecessarily delay special education evaluations.

In the case of a transfer student, the receiving LEA must ensure that when a referred student transfers from one LEA to another during the same school year, the evaluation is coordinated between the sending and receiving LEAs as expeditiously as possible to ensure prompt completion of a comprehensive evaluation. [Wis. Stat. § 115.782\(2\)\(f\)](#); [34 CFR § 300.304\(c\)\(5\)](#). If parental consent for evaluation has been received, but an eligibility determination has not yet been made, the 60-day timeline may be extended if the receiving LEA is making sufficient progress to ensure prompt completion, and the parent and receiving LEA agree to a specific time in which the evaluation will be completed. [34 CFR § 300.301\(e\)](#).

12. Can the timeline be extended if the IEP team finds that additional information is needed after the 60-day timeline has started?

Generally, no. It is important during the review of existing data to determine all additional information needed to complete the evaluation so the data can be collected within the 60-day timeline. However, if the team finds additional information is needed after the review of existing data and before the evaluation is completed, the team may amend the notice and consent to conduct additional assessments (DPI Form [IE-3](#) or [RE-5](#)) and request parental consent to collect the additional data or other information. In such cases, the 60-day timeline may not be extended to collect additional information unless one of the allowable exceptions applies. See [Question 11](#). In all cases, LEAs should complete evaluations in a timely manner.

13. Are there times when a special education evaluation must be expedited?

Yes, if a referral for an initial evaluation is made after an incident that resulted in a disciplinary removal, the evaluation must be conducted in an expedited manner. [34 CFR § 300.534 \(d\)\(2\)\(i\)](#). Also see [Information Update Bulletin 14-02, Question 15](#).

14. Is an LEA required to conduct an evaluation when a student with an IEP transfers into the LEA from out-of-state?

No, after reviewing the out-of-state evaluation, the LEA may decide to adopt the out-of-state evaluation. In doing so, the LEA must determine whether the out-of-state evaluation is consistent with the Wisconsin criteria for the particular disability category area. The criteria does not have to be identical, but the information in the evaluation must be sufficient to support an eligibility determination under Wisconsin criteria. [PI 11.07\(3\)\(d\), Wis. Admin. Code](#). If the LEA decides to conduct an evaluation, the evaluation would be considered an initial evaluation.

IEP Team**15. Who is required to be on the IEP team that conducts a special education evaluation?**

The LEA assigns an IEP team for each student. The IEP team shall consist of all of the following, [Wis. Stat. § 115.78\(1m\)](#):

- The parents of the child.
- At least one regular education teacher of the student if the student is, or may be, participating in a regular education environment.
- At least one special education teacher who has recent training or experience related to the student's known or suspected area of special education needs or, where appropriate, at least one special education provider of the student.
- A representative of the LEA who is qualified to provide or supervise the provision of special education, knowledgeable about the general education curriculum, and knowledgeable about and authorized to commit available resources of the LEA (who may otherwise be a team member).
- An individual who can interpret the instructional implications of evaluation results (who may otherwise be a team member).
- At the discretion of the parent or the LEA, other individuals who have knowledge or special expertise about the student, including related services personnel as appropriate.
- Whenever appropriate, the student.
- If the student is attending a public school in an LEA under whole-grade sharing ([Wis. Stat. § 118.50](#)), open enrollment ([Wis. Stat. § 118.51](#)) or a tuition waiver ([Wis. Stat. § 121.84\[1\]\[a\]](#) or [\[4\]](#)), one person designated by the school board of the student's LEA of residence who has knowledge or special expertise about the student.

A number of disability categories have additional requirements for IEP team membership. These are specified in [Wisconsin Administrative Code § PI 11.36](#).

16. As a member of the IEP team, what is the role of the parents during the evaluation for special education?

Parents are important and equal members of the IEP team. They are involved in the review of existing evaluation data, which may include information they have provided. At the end of the

review of existing data, parents help make the decision about whether any additional assessments are needed to decide whether the student has or continues to have a disability and the educational needs of the student. [Wis. Stat. § 115.782\(2\)\(b\)](#).

Before administering additional assessments as part of the evaluation, the LEA must seek consent from the parent (DPI Forms [IE-3](#) and [RE-5](#)). For initial evaluations, the parent must provide explicit informed consent. [Wis. Stat. § 115.782\(1\)\(b\)](#). If a parent of a student enrolled in or seeking to enroll in a public school does not consent to an initial evaluation, the LEA may, but is not required to, pursue the evaluation by requesting mediation or initiating a due process hearing. For students who are parentally placed in a private school or are in a home-based private education program (homeschooled), the parent must provide explicit consent regardless of whether it is an initial evaluation or a reevaluation. [34 CFR § 300.300\(d\)\(4\)](#). In these instances, the LEA may not use mediation or a due process hearing [34 CFR §§ 300.300 and 300.506](#); [Wis. Stats. §§ 115.782, 115.797, and 115.80](#).

For reevaluations, if the LEA makes documented reasonable attempts to obtain informed consent from the parent, and the parent does not respond, the LEA may proceed with administering the additional assessments.

Upon completion of the administration of assessments and other evaluation measures, the IEP team, which includes the parent(s), determines whether the student is eligible for special education. [Wis. Stat. § 115.782\(3\)](#).

For resources on engaging parents in the IEP process, see [CCR IEP Family and Community Engagement](#).

Child Find

17. What is meant by an LEA's "child find obligation"?

A local educational agency must identify, locate, and evaluate all children with disabilities who are in need of special education and related services, including children who are not yet 3 years of age. [Wis. Stat. § 115.77\(1m\)\(a\)](#). Each LEA must establish written procedures for accepting and processing referrals (including summer referrals) and provide information and in-service opportunities to all its licensed staff to familiarize them with the LEA's referral procedures. The LEA must annually inform parents and persons required to make referrals about the LEA's referral and evaluation procedures. [Wis. Stat. § 115.77\(1m\)\(h\)](#).

18. Which LEA is generally responsible for "child find"?

The student's resident LEA is generally responsible for child find. A student is a resident of the LEA where they live, regardless of where their parent lives, unless they reside there solely for educational purposes ([Thayer Rule](#)). For exceptions to this rule, see [FAPE Responsibilities by Residence](#). The right to a public education at no charge begins the first day a student lives in an LEA.

19. Which LEA is responsible for "child find" when a student attends a public school outside their LEA under open enrollment?

When a student attends a nonresident LEA under open enrollment, the nonresident LEA is responsible for child find. The nonresident LEA initiates an evaluation when a referral is made. For more information, see [Open Enrollment Special Education](#).

20. Which LEA is responsible for "child find" when a student is parentally placed in a private school not located in their LEA?

For parentally placed private school students, including students enrolled by their parents in a 4K or 5K program in a private school, the LEA where the school is located is responsible for child find. The LEA is responsible for child find activities, including conducting special education evaluations, for parentally placed private school students attending private elementary and secondary schools located in the LEA. Evaluations of all students suspected of having disabilities, regardless of whether they are enrolled by their parents in private elementary schools or secondary schools, must be conducted in accordance with the requirements of state and federal special education law. The LEA where the private elementary or secondary school is located may ensure its child find responsibilities are met by assuming the responsibility itself, contracting with another public agency, or making other arrangements. A parent of a parentally placed private school child may also request an evaluation from their LEA, regardless of where their private school is located. If a referral is made, the resident LEA must proceed with the special education evaluation. For more information, see [Parentally Placed Private School Children with Disabilities Information Update Bulletin 06.03](#).

21. Which LEA is responsible for "child find" when a student is experiencing homelessness, or is an unaccompanied youth attending their school of origin not located in the LEA where they currently reside?

In general, the LEA where the student who is homeless is currently living is ultimately the LEA responsible for child find, regardless of where the student is attending school. LEAs have an obligation to locate and identify all children with disabilities who reside in the school attendance area covered by the LEA. This child find obligation applies to all children and youth ages 3-21, including students who are experiencing homelessness. A student's homeless status should not affect the student's eligibility for special education. LEAs must initiate an evaluation of any student who is suspected of being a child with a disability and for whom a special education referral has been made, including students who are experiencing homelessness. [Wis. Stat. § 115.777](#). For more information, see [Frequently Asked Questions about Homelessness and Special Education](#).

22. Which LEA is responsible for "child find" when a student is living in a foster home and attending their school of origin, which is not located in the same LEA as their foster home?

The LEA where the foster home facility is located is responsible for child find. A child is considered a resident of the LEA in which the child lives, regardless of the residence of the child's parent(s), as long as the primary reason for the child's residency is not school attendance. [State Ex Rel. School-District Board V. Thayer, State Superintendent, 74 Wis. 48, 41 N.W. 1014. \(1889\)](#); For additional information, see [FAPE Responsibilities by Residence and Educational Services for Children Placed in Foster Care](#).

23. Can an LEA ever delay "child find" for a student suspected of having a disability and needing special education?

No, an LEA may not delay a child find for a student suspected of having a disability and needing special education. Screening cannot be used to delay an evaluation for special education and related services. Screening is a universal process used with groups of children to identify who may need further evaluation in order to determine the existence of a delay in development or a

particular disability. Similarly, an LEA cannot delay a referral by requiring the student to complete general education interventions as part of an LEA's Response to Intervention (RtI) process before initiating an evaluation. An LEA may not delay a referral received in the summer due to staff unavailability. In addition, LEAs have an ongoing child find responsibility even in light of a school closure order or an LEA continuing virtual instruction due to COVID-19. For more information, see the [COVID-19 Special Education Question and Answer Document](#).

The Evaluation Process

Referral

24. Who can make a referral for an initial evaluation?

Any person who reasonably believes that a child is a child with a disability may refer the child to an LEA for an initial special education evaluation. [Wis. Stat. § 115.777\(1\)](#).

25. Under what conditions is a special education referral required?

A physician, nurse, psychologist, social worker, or administrator of a social services agency who reasonably believes that a child brought to them for services has a disability *must* refer the child to the student's LEA. A licensed teacher employed by an LEA who reasonably believes a child has a disability *must* refer the child to the LEA. [Wis. Stat. § 115.777\(1\)](#).

26. What are the requirements for a referral?

All referrals must be in writing and must include the child's name and the reasons why the person believes the child is a child with a disability. Before submitting a referral to a local educational agency, a person required to make a referral must inform the child's parent they are going to submit the referral. [Wis. Stat. § 115.777\(2\)](#). A referral must be in writing, but can be submitted via email, letter, or form. See [DPI Sample Form R-1-Referral for Special Education Evaluation](#).

27. Must a referral for a special education evaluation specify a suspected disability category by name?

No, the referral does not need to specify one or more suspected disability categories by name. The referral must include the reasons why the person believes the child is a child with a disability. This may be a description of educational challenges a student is experiencing (e.g., academically, social-emotionally). [Wis. Stat. § 115.777\(2\)\(a\)](#).

28. Can a referral for an initial special education evaluation be denied?

No, all referrals must be processed. The LEA must notify the parent the LEA received a referral to evaluate their child to determine whether the child is eligible for special education and related services and, if so, identify the student's disability-related needs. See DPI [Form IE-1, Notice of Receipt of Referral and Start of Initial Evaluation](#)). The date on which the LEA receives a referral begins the 15-business-day timeline to notify the parents of the need for additional testing and request consent to conduct the testing or notify the parents that no additional testing is necessary to complete the evaluation of the student. [Wis. Stat. § 115.777\(3\)\(e\)](#).

29. What should the LEA do if a student is already identified as having a disability and someone suspects the student has a different or additional disability category or disability-related needs?

Once a student has been found eligible for special education following an initial evaluation, any subsequent changes to the student's identified disability category(s) are addressed through the reevaluation process. Consideration of changes in the student's disability-related needs can either be made through the IEP review and revision process; or if the IEP team finds it lacks sufficient information with which to review and revise the student's IEP, through a reevaluation. See the [Reevaluation section](#) of this document for questions specific to reevaluations.

Review of Existing Data

30. What is the purpose of the review of existing data?

The review of existing data is the process of looking at existing data and other information about a student to decide if additional data are needed as part of an initial special education evaluation or reevaluation. This step may be best described as the "planning" phase of the evaluation.

Specifically, the student's IEP team (which includes the parent) compiles existing data to determine whether more information is needed to make decisions about whether a student has, or continues to have, a disability and to identify the student's educational needs. The completed evaluation must include enough information for the IEP team to use when it develops or reviews and revises a student's IEP. This includes information about the effects of the student's disability, the student's present levels of academic achievement, functional performance at the time of the evaluation, and the student's disability-related needs related to enabling the student to be involved in and make progress in the general education curriculum, or for a preschool student, to participate in age-appropriate activities. [Wis. Stat. § 115.782\(2\)\(b\)](#).

The review is not necessarily limited by the scope of the written referral or request for reevaluation. During the review, team members should work collaboratively to compile information needed to evaluate areas of concern and potential category(s) of disability. When deciding what existing information to look for, teams may find it helpful first to clarify areas of potential student strength and need, guided by questions that prompted the reason for referral or request for reevaluation.

The review is complete when the IEP team has determined what additional assessment data and other information is needed (if any) and how the information will be collected. Following the review of existing data, the LEA sends a written notice to the parent and requests consent for any needed additional assessment.

31. Who needs to be part of the review of existing data?

The IEP team and other qualified professionals, as determined by the LEA, are part of the review of existing data. [Wis. Stat. § 115.782\(b\)](#). The LEA assigns an IEP Team to conduct the review. IEP team participants are the same as those described in [Question 15](#).

During the review, the IEP team gathers information from various sources to decide if there is sufficient existing data to complete the evaluation. Some of these sources include evaluations and information provided by the child's parents, previous interventions, and the effects of those interventions, assessments, and observations by teachers and related service providers.

[Wis. Stat. § 115.782\(b\)](#). In collecting this information, the team may find the need to gather existing data from individuals who may not be assigned to the team but who have information helpful in answering educationally relevant questions about the student's suspected or continuing disability-related needs across environments. It is especially important to ensure the parent and, as appropriate, the student participates in compiling and reviewing existing data and making the decision about the need for additional assessment.

32. Is parental consent required before an IEP team can review existing data?

No, parental consent is not required before the review of existing data by the IEP team. [34 CFR § 300.300\(d\)](#). However, parents must receive written notice of the assignment of the IEP team, and the start of the evaluation before the review of existing data can begin. The parent is part of the IEP team that reviews existing data.

33. Can an LEA develop a standard protocol of additional assessments that are always administered for specific areas of need or disability categories?

No. While an LEA can maintain lists of recommended assessments used to gather data about specific student achievement and functional skills or assessments that may be appropriate for collecting data with which to apply disability category criteria, the determination as to whether additional assessments are needed is made on an individual basis. Every special education evaluation must be conducted in a manner that is both comprehensive and individualized to each student.

34. To what degree are data analyzed during the review of existing data?

The review of existing data is limited to gathering existing information to make a decision about whether any additional data is needed to complete an individualized and comprehensive evaluation of the student. The scope of existing data includes information from multiple sources related to the student's suspected or continuing disability, including information about the student's disability-related needs, whether or not linked to a specific disability category. It is helpful for the IEP team to generate educationally relevant questions about concerns identified in the referral or request for reevaluation and then determine if there is enough existing data to answer the questions. The purpose of the review is to help plan the evaluation and **not** to analyze findings to make eligibility decisions. The analysis of both existing data and new assessment findings (if any) are discussed during the evaluation meeting. It is during the evaluation meeting when decisions are made about the student's eligibility or continuing eligibility for special education and about areas of the student's disability-related needs that should be addressed by special education goals and services.

35. Is the review of existing data conducted differently for an initial evaluation than for a reevaluation?

No. The same requirements for the review of existing data apply to all special education evaluations. During a reevaluation, existing data may also include, but is not limited to, IEP goal progress data, including interim and annual IEP progress reports.

36. If the IEP team decides additional information is needed that must be collected by an outside evaluator (e.g., a medical evaluation), does the parent have to pay for the assessment?

No. The LEA is responsible for the full cost of the assessment. A special education evaluation is conducted at no cost to the parent.

37. Does the IEP team need to have a meeting to review existing data?

No. A meeting to review existing data to decide if there is enough information to conduct a comprehensive evaluation is not required. While a meeting is not required, there are times when it may be helpful to hold an IEP team meeting to complete the review of existing data. An IEP team meeting to complete the review may further ensure all existing information and concerns about the student are identified before deciding what additional data or other information are needed.

It may also be easier to meaningfully involve parents in the review during a face-to-face or virtual IEP team meeting. Or a meeting may be helpful when there are multiple or complex student concerns to address. An IEP team discussion can also help identify educationally relevant questions that can guide the evaluation. In all cases, the IEP team must collectively make decisions about the sufficiency of existing data and the need for additional assessments. It is recommended that one IEP team member be assigned to compile existing information and coordinate the involvement of all IEP team members in the review process.

38. What happens if the IEP team determines no additional data is needed to conduct a comprehensive evaluation?

If following the review of existing data, the IEP team finds no additional data are needed to determine eligibility or continuing eligibility and to determine the student's educational needs, the LEA must provide the parent(s) with notice of that determination. See DPI Forms [IE-2](#) and [RE-4](#). The notice must be provided within 15 days from receiving the referral or from the date on the Notice of Reevaluation (DPI Form [RE-1](#)). [Wis. Stat. § 115.777\(3\)\(e\)](#). After notice is provided, the IEP team will conduct an evaluation meeting to determine if the student is or continues to be a "child with a disability" and the student's educational needs. For reevaluations, the notice that no additional data is needed must inform the parent(s) they have a right to request additional assessments, which the LEA must conduct if requested by the student's parent(s). See DPI Form [RE-4](#); [34 CFR § 300.305\(d\)](#).

Consent for Evaluation**39. When is parental consent required for a special education evaluation?**

The LEA must make reasonable attempts to obtain informed consent from the parent before administering any additional assessments to the student or collecting other evaluation information. [34 CFR §§ 300.300\(a\)1\(iii\)](#). Informed consent includes notifying the student's parent(s) of any evaluation procedure the agency proposes to conduct and the names of the individuals, if known, who will conduct the additional assessments. For initial evaluations, if a parent does not provide written consent, the LEA may not proceed with administering any additional assessments or collecting other evaluation information unless permission is granted through a due process hearing or resolved through mediation. [Wis. Stat. § 115.782\(1\)\(b\)](#); [34 CFR § 300.300\(a\)\(1\)](#). The LEA does not violate its child find obligations if it declines to pursue permission utilizing these dispute resolution processes. [300 CFR § 300.300\(a\)\(3\)](#).

For reevaluations, if the LEA makes documented reasonable efforts to obtain informed consent and a parent does not respond, the LEA may proceed with administering additional assessments or collecting other evaluation information. [34 CFR §§ 300.300\(c\)\(1\)\(iii\)](#). If the parent explicitly does not provide consent, the LEA may not move forward unless permission is granted through a due process hearing or resolved through mediation. [34 CFR § 300.300\(c\)\(2\)](#).

The LEA does not violate its child find obligation if it declines to pursue permission utilizing these dispute resolution processes. [300 CFR § 300.300\(c\)\(1\)\(iii\)](#).

For students who are parentally placed in a private school or are homeschooled, the LEA may not proceed with the administration of additional assessments unless explicit consent from the parent is received, for either initial or reevaluations, and the LEA may not seek permission through a due process hearing or mediation. [34 CFR § 300.300\(d\)\(4\)](#).

40. If an initial evaluation is started and the parent later revokes consent for additional assessments, must the LEA complete the evaluation?

No. Consent for additional testing may be revoked by the parent at any time; however, the revocation does not negate an action that had occurred after the consent was given and before the consent was revoked. Therefore, the LEA may consider existing data and any test results obtained before revocation and proceed with the evaluation meeting. However, if the parent revokes consent for additional testing as part of an initial evaluation, the LEA is not required to do so. If the LEA chooses not to pursue the initial evaluation, the LEA should provide notice to the parent that they are not proceeding with the evaluation and the reasons why (e.g., parent's revocation of consent or lack of needed data). The notice should inform the parents that they may request another evaluation in the future. The Notice of Response to an Activity Requested by a Parent (DPI Form [M-1](#)) may be used for this purpose.

41. What happens if a parent does not give consent for additional assessment as part of a reevaluation? Does the IEP team move forward and conduct an IEP team evaluation meeting anyway?

If, during a reevaluation, the LEA can demonstrate it has made reasonable efforts to obtain parental consent and the student's parent failed to respond, the LEA can proceed with administering assessment or other evaluation materials. This exception only applies to reevaluations, not to initial evaluations. [Wis. Stat. § 115.782\(4\)\(b\)](#); [34 CFR § 300.300\(c\)\(2\)](#).

In making reasonable efforts, the LEA must document its attempts to obtain parental consent such as detailed records of telephone calls and voice mail messages, and the results of those calls; copies of emails or other correspondence sent to the parents and any responses received; and detailed records of visits made to the parent's home and the results of those visits.

If the parent explicitly refuses to give consent for additional assessment, the LEA may not move forward with administering them unless permission is granted through a due process hearing or resolved through mediation. [34 CFR § 300.300\(c\)\(2\)](#).

For students who are parentally placed in a private school or are homeschooled, the LEA may not proceed with the administration of additional assessments unless explicit consent from the parent is received, and the LEA **may not** seek permission through a due process hearing or mediation. [34 CFR § 300.300\(d\)\(4\)](#).

42. What happens if one parent gives consent and another parent of the student does not agree to conduct an evaluation?

The LEA must proceed with an evaluation when consent is received from one parent who has educational decision-making authority ([letter to Cox, OSEP 2009](#)). This applies whether the parents are married, unmarried, separated, or divorced as long as the parent providing consent has educational decision-making authority for their child. This also applies in situations where

one parent has given consent, and the other parent has notified the LEA of their refusal to consent. The LEA must ensure parents with legal custody rights are afforded an opportunity to participate in the evaluation and that custodial parents receive proper notice of decisions regarding their child's education.

In situations of separation or divorce, the LEA should determine whether one or both parents have educational decision-making authority for the child. In the absence of a court order to the contrary, both parents have equal decision-making authority. See [Information Update Bulletin 10.01](#).

43. Can a parent consent to some assessments but not others?

No, a parent cannot consent to some assessments and not to others. Consent is provided to collect all needed additional information. However, a parent can revoke their consent for testing at any time. See [Question 40](#). Consent is voluntary and may be revoked at any time before the administration of assessments or other evaluation procedures. Revocation does not negate an action that had occurred after the consent was given and before consent was revoked.

44. What information must be included on the consent form, and how specific does it need to be?

The LEA must provide notice to the parents describing any evaluation procedures the agency proposes to conduct. [34 CFR § 300.304\(a\)](#). The consent form includes notice and a request for consent. Consent means the parent has been fully informed of all information relevant to the activity for which consent is sought, in their native language or another mode of communication. [34 CFR §300.9\(a\)](#). Before an evaluation for special education, the LEA must notify the student's parents of any test or other evaluation materials it proposes to administer and request consent to administer the additional assessments needed to complete a comprehensive evaluation.

The notice includes:

- Documentation of when and how parents participated in the decision about whether additional assessments are needed.
- The types of tools that will be used and the area(s) that will be assessed are described (e.g., standardized testing to measure academic ability and achievement).
- The names of the evaluator(s), if known at the time of the notice. If the names are not known, the role of evaluators is identified (e.g., school psychologist).
- The notice also includes other evaluation options considered, if any, and reasons rejected, and a description of any other factors relevant to the proposed evaluation of the student. For example, if a parent requests a particular test and the LEA denies the request, the LEA must notify the parents in writing of its decision and why the test will not be administered. [Wis. Stat. § 115.782\(1\)](#).

For additional information, see [Forms Guide](#) pages 18-20 and 31-33, and Forms [IE-3](#) and [RE-5](#).

45. Can screening tools be administered after a referral is made but before consent for evaluation is received?

It depends on the purpose of the screening tool. "Screening," as used in [34 CFR § 300.302](#), refers to a process used by a teacher or specialist to determine appropriate instructional

strategies for curriculum implementation. Such screening is typically a relatively simple and quick process used with groups of children of a particular age or grade (i.e., universal screening). An example would be the literacy screeners used in many LEAs. Because such screening is not considered an evaluation to determine eligibility for special education services, parental consent is not required.

However, a screening tool may not be administered, and its results used after a referral for a special education evaluation has been made if its purpose is to gather information to help determine potential eligibility for special education. Once a special education referral has been made, proper notice and consent are needed to collect additional information to make evaluation decisions.

46. Is consent required before administering a test if it is administered to all students?

No, parent consent is not required before administering a test or other evaluation that is administered to all children unless consent is required of parents of all children.

47. What happens if the IEP team finds it needs additional assessment information after reviewing existing data and parental consent for evaluation has already been given?

The decision about whether additional data is needed is generally made during the review of existing data. However, there are times when it becomes clear that before the IEP team can meet to complete the evaluation, additional testing is needed that was not included in the original notice and request for consent. When this happens, the LEA must provide an amended notice and request consent from the parent for the additional testing. The parent must provide new written consent before the additional assessment information can be collected.

If the LEA can document it has made reasonable efforts to obtain parental consent for a reevaluation, and the student's parent failed to respond, the LEA can proceed with administering tests or other evaluation materials. If additional testing is needed in such circumstances, the 60-day evaluation timeline is not extended unless one of the exceptions now applies. See [Question 11](#).

48. Is parental consent ever needed for assessments used to monitor IEP goal progress?

No, consent for additional testing is only required as part of the evaluation for eligibility for special education and related services. Parental consent is not needed to administer assessments or other measurement procedures used to collect data needed to monitor IEP goal progress. The student's IEP includes a description of the procedures that will be used to measure a student's progress toward meeting the measurable annual goals.

Evaluation Data- Assessments and Other Information

49. How can IEP teams ensure special education evaluations are culturally responsive?

IEP teams must ensure assessments and other evaluation materials are selected, administered, and interpreted to not be discriminatory on a racial or cultural basis. To do this, assessments and other evaluation materials are provided and administered in the student's native language or another mode of communication and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so. [34 CFR § 300.304\(c\)](#). In interpreting evaluation data for the purpose of determining if a student is a "child with a disability" and the student's educational needs, the IEP team must draw upon information from a variety of sources, including aptitude

and achievement tests, parent input, and teacher recommendations, as well as information about the student's physical condition, social or cultural background, and adaptive behavior. Information obtained from all these sources must be documented and carefully considered. [34 CFR § 300.306\(b\)\(1\)](#). For more information about conducting culturally responsive special education evaluations, see resources on [Culturally Responsive Problem Solving](#).

50. Are formal assessments (e.g., standardized tests) always required to determine eligibility for special education?

Depending on the specific disability category, standardized tests are not always required when determining eligibility for special education. In conducting the evaluation, the LEA must use various assessment tools and strategies to gather relevant functional, developmental, and academic information about the student, including information provided by the parent. Information gathered during the evaluation assists in determining eligibility and the educational needs of the student. The evaluation results are used to develop the content of the eligible student's IEP to enable the student to be involved in and make progress in the general education curriculum (or, for a preschool child, to participate in age-appropriate activities). The public agency must not use any single measure or assessment as the sole criterion for determining eligibility for special education. The assessment tools must be technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. [34 CFR § 300.304\(b\)](#).

For some disability categories, a formal assessment is required. For instance, an individually administered intelligence test is required when determining an intellectual disability. See [Wis. Admin. Code § PI.11.36 Areas of impairment](#) for specific evaluation requirements related to each disability category.

51. Are there any restrictions on who can administer assessments or collect other evaluation data?

Assessments and other evaluation materials used to assess a student must be administered by trained and knowledgeable personnel. [34 CFR § 300.304\(c\)\(1\)\(iv\)](#). See [Wis. Admin. Code § PI 11.36 Areas of impairment](#) for specific requirements related to each disability category.

52. If concerns about a potential disability-related need are raised by a member of the IEP team during an evaluation, and there is insufficient existing information to explore the concern, must additional information be collected?

Yes. If there is not enough existing information to complete a comprehensive evaluation, the IEP team must decide to conduct additional assessments or other evaluation procedures to collect the information. Before moving forward in the evaluation process, the IEP team must ensure there is sufficient information to determine eligibility and to identify the needs of the student that will help the IEP team develop, or review and revise (as needed), the student's IEP. If additional assessments are needed, the student's parents must be provided written notice that includes the evaluation procedures the LEA proposes to conduct and the name of the individuals who will conduct the evaluation if known. [Wis. Stat. § 115.782\(1\)\(a\)](#). This would include the areas that will be assessed and a description of assessments and other evaluation materials that will be administered. If the names of the evaluators are not known, identify the types of evaluators (e.g., school psychologist).

The LEA needs the parent's written consent before it can administer any new assessments or collect other evaluation information. For this reason, IEP teams are encouraged to thoroughly compile and review existing data related to potential or continuing areas of concern before moving forward.

Evaluation Findings, Eligibility Decisions, and Evaluation Report

53. What must be documented in the evaluation report?

The evaluation report documents the IEP team's decisions about 1) whether the student meets disability category criteria for one or more disability categories and requires specially designed instruction and 2) the educational needs of the student. If found eligible, the report documents the effects of the student's disability and all of the disability-related needs that should be addressed in the student's IEP, whether or not linked to the student's particular disability category(s). More specifically, the report includes a description of the academic and functional performance of the student; information about interventions attempted before the special education referral (or reevaluation) and the effects of those interventions; the analysis of existing and new data; whether or not the student meets disability category criteria for one or more disability categories, whether the student requires specially designed instruction, and the educational needs of the student. If eligible, the report explains how criteria for one or more of the disability categories were met. If criteria for specific categories were considered and rejected, the team must document how the student did not meet the criteria. [Wis. Stat. § 115.782](#); [34 CFR §§ 300.301, 300.304, 300.305, and 300.306](#).

While individual summaries of IEP team participant's findings are not required, it is good practice for IEP team members who administer tests or other evaluation materials to prepare a written summary of their individual assessment findings that may assist parents and other IEP team members in identifying disability-related needs, and when developing and aligning IEP goals and services after the evaluation is completed.

The LEA provides a copy of the evaluation report, including documentation of the determination of eligibility, to the parents at no cost. If the student is found to be or continues to be eligible, the IEP team develops or reviews and revises (as appropriate) the student's IEP within 30 days of the evaluation. [34 CFR § 300.306](#); [Wis. Stat. § 115.782](#).

54. How are evaluations or other information shared by the parent (e.g., medical or clinical information) used by the IEP team during a special education evaluation?

A comprehensive special education evaluation includes information provided by the parent and may include findings from outside evaluations. The parent may share this information with the LEA before the IEP team meeting or during the IEP team meeting. Outside evaluations and other information shared by the parent must be considered by the IEP team during the meeting and documented in the evaluation report, along with all other new and existing data. Evaluations and other information shared by the parent may provide supporting or new information about the student's academic and functional skills important for determining the nature and extent of the student's disability and educational needs.

55. Is a student with a medically diagnosed disability automatically eligible for special education?

No. An outside medical diagnosis is insufficient evidence of special education eligibility. A student must be found eligible as a "child with a disability" under state and federal special

education law. A student with a disability is one who requires specially designed instruction as a result of meeting the criteria for at least one of the identified disability categories under state and federal special education law. A student cannot start receiving special education services without a full and individual comprehensive special education evaluation completed by the student's LEA. Outside evaluations and other information shared by the parent, such as medical diagnoses, are considered during the evaluation and may provide supporting or new information about the student's academic and functional skills important for determining the nature and extent of the student's disability and educational needs. [34 CFR §§ 300.8 and 300.301](#); [Wis. Stat. § 115.76\(5\)](#).

56. How and when are exclusionary factors addressed when determining special education eligibility?

Exclusionary factors are addressed after all new and existing assessment data and other information have been analyzed before the IEP team makes its eligibility decision. An IEP team may not find a student to be a "child with a disability" if any of the exclusionary factors listed in state or federal legislation are the determinant reason for the decision that the student meets special education disability category criteria. Exclusionary factors for all evaluations include:

- Lack of appropriate instruction in reading, including the essential components of reading instruction;
- Lack of appropriate instruction in math; or
- Limited English proficiency; and
- The student does not otherwise meet the disability category criteria. [34 CFR § 300.306\(b\)](#); [Wis. Stat. § 115.782\(3\)\(a\)](#).

A number of disability categories have additional exclusions that must be considered before a student can be found eligible for special education. These additional exclusions are specified in the state rules for each category. [Wis. Admin. Code § PI 11.36](#).

57. How and where should the team document the student's disability-related needs?

An evaluation conducted by an IEP team focuses on the consideration of information and activities that assist the IEP team in determining the student's educational needs. If found eligible, the student's disability-related needs are identified in the evaluation report. Information about the effects of the student's disability and resulting disability-related educational needs are not the same as specifying IEP services the LEA may be required to provide to address the needs. IEP goals and special education services are determined when the IEP team develops or reviews and revises (as appropriate) the student's IEP. IEP development occurs within 30 days following an initial evaluation. [34 CFR § 300.323\(c\)\(1\)](#). The information in the evaluation report serves as the foundation for IEP development or review.

58. Can the IEP team identify a disability-related need not linked to a specific disability category criteria?

Yes. An evaluation conducted by an IEP team focuses on the consideration of information and activities that assist the IEP team in determining the student's academic and functional educational needs. Disability-related needs are not specific to a disability category. For instance, a student with a specific learning disability affecting reading may also have disability-related needs affecting behavior. Every special education evaluation must be sufficiently comprehensive to identify a student's disability-related needs, whether or not commonly linked to the disability category(s) in which the student has been classified. [34 CFR §](#)

[300.304\(c\)\(6\)](#). For more information about disability-related needs, see [CCR IEP Resource Step 2](#).

59. What happens when the student is not found eligible for special education?

If the IEP team finds the student is not eligible to receive special education, it must document on the evaluation report which category(s) of disability was rejected and how the student did not meet the disability category criteria. The IEP team includes the disability category criteria form as documentation. The IEP team may include recommendations other than special education, if any, for the LEA and parent(s) to consider to support the student. These may include recommendations the LEA may use to address the student's needs through their general education equitable multi-level system of support. In addition, a student who is not eligible for special education under IDEA may be eligible to receive support under Section 504 of the Rehabilitation Act of 1973. Before developing a plan to provide such support, proper procedures for determining eligibility under Section 504 must be followed. See [Information on Section 504](#).

Relationship Between Special Education Evaluation and IEP Goals and Services

60. What is the relationship between special education evaluation and IEP development?

A special education evaluation or reevaluation serves as the foundation for the IEP developed or reviewed and revised. The evaluation focuses on the consideration of information and activities that assist the IEP team in determining the student's disability category(s) and educational needs. Every special education evaluation must be sufficiently comprehensive to identify all of the student's disability-related needs, whether or not commonly linked to the disability category(s) in which the student has been classified.

When a student is found to be or continues to be eligible for special education, this information is subsequently used by the IEP team to develop the student's IEP. The IEP includes goals and special education services that address the effects of the student's disability and resulting disability-related needs; and allows the student to access, engage and make progress in age or grade-level general education curriculum and environments. Applying the disability category criteria for one or more disability categories outlined in [PI 11.36](#) may not, alone, be sufficient to identify all of a student's unique and individual disability-related needs and corresponding IEP goals and special education services. IEP goals and services are developed to address a student's unique and individual disability-related needs.

61. Can a student's IEP have goals and services to address disability-related needs that are not specifically linked to the student's identified disability category(s)?

Yes. Each student's IEP is developed to address the effects of the student's disability and disability-related needs, irrespective of the disability category(s) in which the student has been classified. This means any student who does not meet academic or functional age or grade-level standards as a result of their disability may have IEP goals and receive special education and related services to address those disability-related needs if the IEP team determines such goals and services are necessary. The LEA assigns appropriately licensed staff to provide required IEP services.

Disability-related needs must be addressed by goals and services in a student's IEP. Information from the evaluation about the effects of the student's disability and resulting

disability-related needs related to access, engagement, and progress in age or grade-level general education curriculum is used to develop the IEP.

Special Education Evaluation within an LEA's Equitable Multi-level System of Support (MLSS)

62. Are the special education requirements any different in schools with an integrated equitable [multi-level system of support](#)?

No. Any person who reasonably believes a student is a child with a disability may refer the student to an LEA for an initial special education evaluation. [Wis. Stat. § 115.777\(1\)](#). Within 15 business days of receipt of the referral, the LEA is required to conduct a review of existing data with IEP team members and send the student's parents a request for consent to evaluate or a notice that no additional data is necessary. For more information, see [The Role of Special Education Services in an Equitable Multi-Level System of Supports](#).

Questions Specific to Reevaluation

63. When is a reevaluation required?

A reevaluation may occur not more than once a year unless the parent and the LEA agree otherwise. A reevaluation must occur at least once every three years unless the parent and the LEA agree that a reevaluation is unnecessary. [34 CFR § 300.303](#). In addition, a student with a disability must be reevaluated before determining the student is no longer a student with a disability. [34 CFR § 300.305\(e\)](#). A reevaluation is not required when a student's eligibility ends when they graduate from high school with a regular diploma or exceeds the age of eligibility. [34 CFR § 300.305\(e\)\(2\)](#).

An LEA must ensure that a reevaluation of each student with a disability is conducted if the LEA determines that the student's disability-related needs, including improved academic achievement and functional performance, warrant a reevaluation; or if the student's parent or teacher requests a reevaluation. A reevaluation is conducted to determine whether a student continues to have a disability and the educational needs of the student, including whether the student continues to need specially designed instruction. [34 CFR § 300.305\(a\)\(2\)](#). A reevaluation may be needed to determine the content of the student's IEP, including information related to enabling the student to be involved in and make progress in the general education curriculum or for a preschool child to participate in appropriate activities. Information from the reevaluation may guide the IEP team in determining if any additions or modifications to the special education services are needed to enable the student to meet the measurable annual goals set out in the IEP and participate, as appropriate, in the general education curriculum.

64. How is a reevaluation initiated?

A student's parent or teacher may request a reevaluation either verbally or in writing. An LEA may also initiate a reevaluation by providing notice to the parents of the start of the reevaluation. Within 15 business days of receiving a request for reevaluation or the LEA notifying the parents of the start of a reevaluation, a review of existing data must be conducted. The LEA must notify the parents of any evaluation procedures the agency proposes to conduct. [34 CFR §§ 300.301\(b\)](#) and [300.304](#).

65. Are there different requirements for reevaluations than initial evaluations?

Informed parental consent for reevaluation need not be obtained if the LEA can document that it made reasonable efforts to obtain parental consent and the student's parent failed to respond. [34 CFR § 300.300\(c\)\(2\)](#).

Other procedures for conducting a reevaluation are the same as procedures for conducting an initial evaluation; however, disability category criteria may differ for a reevaluation depending on the disability category. For instance, upon reevaluation, a student who met initial identification criteria for a specific learning disability and continues to demonstrate a need for special education, including specially designed instruction, continues to be a student with a disability. [Wis. Admin. Code PI 11.36](#).

66. Must all reevaluations be sufficiently comprehensive?

Yes, the reevaluation of each student with a disability must be sufficiently comprehensive to identify all of the student's disability-related educational needs. [34 CFR §§ 300.304-306](#).

67. Can a reevaluation be conducted with the only purpose of considering adding an additional disability category(s) or exploring only one area of disability-related need?

No, a reevaluation that only considers identification for a disability category or a narrow area of disability-related need is not a comprehensive evaluation. Given that the student already has an IEP, the student's progress has been regularly monitored, and there is existing data about the student's current needs, it is possible little additional information will be needed.

However, IEP teams may not bypass the requirement to always conduct a comprehensive evaluation. As such, the reevaluation must start with a review of existing data to help clarify concerns and make decisions about what additional data, if any, is needed to answer the questions: 1.) Have the student's disability-related needs changed; 2.) If so, what should be addressed for the student to be involved and make progress in the general education curriculum, or for a preschool student to participate in age-appropriate activities; and 3.) Does the student continue to be a student with a disability?

Asking questions to explore concerns and strengths during the review of existing data is always a critical step and should not be shortchanged. There are different age and grade-level academic and functional expectations for students from year to year. Thus, a comprehensive evaluation to identify new or changing disability-related needs is often needed as students move across grade spans. This must occur at least once every three years unless the LEA and parents agree a reevaluation is not necessary. In addition, documentation of progress toward IEP goals and the results of general education state and district-wide assessment may be insufficient to identify new or changing disability-related needs, especially for students with more significant academic or behavioral needs. While the IEP team does not have to assess all possible academic and functional skill areas, completing a thorough review of existing information before completing a reevaluation ensures it will not miss new or changing areas of potential need. Each reevaluation, regardless of whether it is a regularly scheduled three-year reevaluation or in response to a request made about a student's changing needs, must be sufficiently comprehensive to identify all of the student's disability-related needs, whether or not commonly linked to the disability category(s) in which the student is classified. [34 CFR § 300.303](#).

68. Is updated medical information or formal testing results required for a reevaluation?

No, updated medical information or formal testing are not required unless the IEP team believes such information is necessary to complete a comprehensive evaluation. If the IEP team determines that medical information is necessary, the LEA cannot require the parent to pay for obtaining this information.

69. Is a reevaluation required before new special education services or supports can be added to a student's IEP?

A reevaluation is generally not required before adding new special education services or supports when revising a student's IEP. However, if occupational therapy or physical therapy are being considered, then a reevaluation must be conducted. These services may only be added as a related service through the evaluation process. A reevaluation may be warranted if the student is not making sufficient progress towards the student's IEP goals and age or grade-level academic achievement or functional performance standards and expectations. In addition, a student's disability-related needs may change over time. In many cases, changing disability-related needs can be addressed as part of an interim or annual IEP goal review and revision process. However, a reevaluation should be conducted if additional information is warranted to identify new or changing students' disability-related needs or make decisions about IEP goals and special education or related services. Whenever a reevaluation is conducted, the IEP team should conduct a comprehensive reevaluation and consider all of the student's disability-related needs.

70. Does conducting a functional behavioral assessment (FBA) for a student currently receiving special education services through an IEP require initiating a special education reevaluation?

Yes. An FBA is considered part of an initial or reevaluation when the purpose of the FBA is to determine the nature and extent of a student's special education services or to determine initial or continued special education eligibility, even if it is determined that a new or updated FBA is the only assessment needed at that time. When the review of existing data identifies that only an FBA is needed to complete the evaluation, the FBA must be sufficiently comprehensive to identify all of the student's needs related to behavior that is interfering with learning or the learning of others, whether or not commonly linked to the disability category in which the student has been identified. When information from an FBA is needed to determine appropriate goals, services, positive behavior strategies, supports, and other interventions, the IEP team must initiate a reevaluation.

An FBA is part of a comprehensive special education initial evaluation or reevaluation when either: (1) the LEA determines an evaluation of a student's behavioral needs is warranted; or (2) if a student's parent or teacher requests a reevaluation to address the student's behavioral needs and there is not sufficient existing information with which to appropriately review and revise the student's IEP.

An FBA is required when a manifestation determination is conducted and the student's behavior is found to be a manifestation of the student's disability, unless an FBA had previously been conducted. An FBA is also required the second time seclusion or restraint is used on a student with an IEP in the same school year unless an FBA addressing the behavior of concern has previously been conducted.³⁴ CFR § 300.530(f)(1)(i). Wis. Stat. § 118.305(5). The IEP team must provide notice of the evaluation and complete a thorough review of existing data before requesting consent for conducting any new assessment, including an FBA. For more information on FBAs see [Bulletin 23.01: Providing Positive Behavioral Interventions and Supports to Students with Disabilities and Use of Functional Behavioral Assessments](#).

71. Does conducting an Assistive Technology Assessment for a student already receiving special education services through an IEP require initiating a special education reevaluation?

Yes. An Assistive Technology Assessment is part of a comprehensive reevaluation when the LEA determines an evaluation of a student's needs related to selection, acquisition, or use of an assistive technology device is warranted; or if the student's parent or teacher requests a reevaluation to address a student's need for assistive technology and there is not sufficient existing information with which to review and revise (as appropriate) the student's IEP to address such needs. Therefore, when information from an Assistive Technology Assessment is needed to determine appropriate IEP goals or services, the IEP team must initiate a reevaluation. As with all evaluations, the reevaluation must be sufficiently comprehensive to allow the team to make decisions about the student's continuing eligibility and the student's educational needs that require IEP services. The IEP team must still complete a thorough review of existing data and request consent for completing any new assessment.

72. Are reevaluations required for students previously identified as requiring special education services for students who are homeschooled or in parentally placed private schools?

Yes. A reevaluation, as part of child find, must be conducted at least once every three years. This requirement includes children in home-based private education programs and private schools. When reevaluation is required, the LEA must contact the parents of such a child in writing and offer reevaluation. If the parents are willing to make the child available, the LEA should initiate the reevaluation by sending the parents a notice of its intent to reevaluate (DPI model form A-6). If the parents are unwilling to make the child available for reevaluation, the LEA should document this response and inform the parents that the LEA stands ready to reevaluate the child at any time and to provide free appropriate public education when the child enrolls in the public program. ([DPI policy letter to Jorgensen](#)). In addition, 34 CFR 300.300, outlines that if a student is homeschooled and the parents do not respond to a request for a reevaluation or refuse, the district cannot proceed with the reevaluation.

Resources

For a complete list of resources on special education evaluations, see the Wisconsin DPI [Comprehensive Special Education Evaluation webpage](#).

This information update can also be accessed through the internet:
<https://dpi.wi.gov/sped/laws-procedures-bulletins/bulletins>.