

Consent

CONSENT FOR REEVALUATION

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Model operating procedures created by



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CONSENT FOR REEVALUATION

What is Required

The District must ensure that a reevaluation of each child with a disability is conducted:

- If the ARD Committee determines, through the Review of Existing Evaluation Data (“REED”) process, that the educational or related services needs, including improved academic achievement and functional performance, of the student warrant a reevaluation [see REVIEW OF EXISTING EVALUATION DATA];
- If a reevaluation is requested by the student’s parent or teacher; or
- Before determining that the child is no longer a child with a disability.

See [EVALUATION PROCEDURES]. A reevaluation must occur not more frequently than once a year (unless the parent and the District agree otherwise); and at least once every three years, unless the parent and the ARD Committee agree that a reevaluation is unnecessary through the REED process.

District Assessment Personnel must obtain informed consent from the parent/adult student before conducting any reevaluation of the student with a disability. See [PARENT] and [ADULT STUDENT AND TRANSFER OF RIGHTS]. When seeking written consent for a reevaluation, District Assessment Personnel must also provide Prior Written Notice of the District’s proposal to conduct a reevaluation. See [PRIOR WRITTEN NOTICE].

Actions That Do Not Constitute An Evaluation

The following are not considered an evaluation and therefore do not require informed consent:

- Screening to determine strategies for implementing the curriculum;
- Conducting a REED as part of an initial evaluation or a reevaluation, see [REVIEW OF EXISTING EVALUATION DATA]; and
- Administering a test or other evaluation that is administered to all students.

Elements of Consent for Reevaluation

To constitute informed consent to conduct a reevaluation, the following must occur:

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- The parent has been fully informed of all information related to the reevaluation in the parent's native language or other mode of communication;
- The parent understands and agrees in writing to the District conducting the reevaluation;
- The consent describes the reevaluation and lists any records that will be released and to whom; and
- The parent understands that the granting of consent is voluntary by the parent and may be revoked at any time, except that if the parent revokes consent, the revocation is not retroactive (i.e. it does not negate any action occurring after the consent was given but before the consent was revoked).

Information and Consent for Certain Psychological Examinations or Tests

Upon request of the student's parent, before obtaining the parent's consent to administer any psychological examination or test when evaluating a student's need for special education, District Assessment Personnel must provide the parent the name and type of the examination or test and an explanation of how the examination or test will be used to develop an appropriate IEP for the student.

If District Assessment Personnel determine that an additional psychological examination or test is necessary for the evaluation after parental consent has been obtained, District Assessment Personnel should provide the parent information relating to the additional examination or test and must obtain additional consent for the examination or test. The parent's consent is considered denied if the parent fails to provide consent for the additional psychological examination or test within 20 calendar days after District Assessment Personnel provided the information regarding the additional evaluation to the parent.

When Despite Reasonable Efforts, The Parent Fails to Respond

District Assessment Personnel must make reasonable efforts to obtain informed consent for a reevaluation. However, informed consent is not required if District Assessment Personnel can demonstrate that they have made reasonable efforts to obtain such consent and the parent failed to respond to those efforts.

When The Parent Refuses to Consent to a Reevaluation

Where a parent of a student enrolled in the District refuses to provide consent for a reevaluation, the District may, but is not required to, continue pursuing the reevaluation by utilizing the procedural safeguards, including the mediation or due process hearing procedures. However, the District does not violate its obligations under child find and/or its legal obligations related to evaluations if it declines to pursue the reevaluation. See

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[CHILD FIND DUTY] and [EVALUATION PROCEDURES].

When Consent Is Not Obtained for The Reevaluation of a Private School Child

District Assessment Personnel must also make reasonable efforts to obtain informed consent before reevaluating a student who is home schooled or private schooled at parental expense. However, if the parent of a student who is home schooled or placed in a private school at parental expense does not provide consent for the reevaluation or fails to respond to the District's request for consent, District Assessment Personnel may not pursue the reevaluation by utilizing the procedural safeguards (including mediation or the due process procedures) and need not consider the student as eligible for special education services provided by the District. See [PROPORTIONATE SHARE FUNDING FOR CHILDREN WITH DISABILITIES PARENTALLY-PLACED IN PRIVATE SCHOOLS] and [CHILDREN IN PRIVATE SCHOOLS].

Definitions

"Reevaluation" is a student evaluation that is conducted by the District to determine the educational or related service needs of the student after a previous evaluation. If the student's parents or teacher request a reevaluation, it must occur not more frequently than once a year unless the parent and the District agree otherwise, and at least once every three years unless the parent and the District agree that a reevaluation is unnecessary.

A "Review of Existing Evaluation Data ("REED")" must take place as part of an initial evaluation, if appropriate, and as part of a reevaluation. It is conducted by members of the ARD Committee, including the parent, but it does not have to take place in a meeting. Members review existing evaluation data about the child, including information provided by the parent, to determine the scope of the evaluation.

An "evaluation" is the collection of information to determine whether a student is a student with a disability and to determine the educational needs of the student. The team who collects or reviews evaluation data, referred to as the multidisciplinary team, must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, including information provided by the parent. An evaluation may include giving individual tests, observing the student, looking at educational records, and talking with the student, teachers, and parents.

A "psychological examination or test" is a test or examination that assesses emotional or behavioral disturbance, for educational purposes, using psychological techniques and procedures in accordance with the practice of psychology.

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Additional Procedures

A REED is required as part of any reevaluation. See [REVIEW OF EXISTING EVALUATION DATA]. The REED should occur at least 90 days prior to the due date for the three-year reevaluation. On the basis of the REED, and input from the student's parents, the ARD Committee will determine if a formal reevaluation is necessary.

If it is determined by the ARD Committee through the REED that a formal reevaluation is necessary or if the parent or teacher of the student requests a reevaluation (regardless of the results of the REED), District Assessment Personnel will seek to obtain consent immediately after the recommendation or request. Consent for a reevaluation should be obtained in-person. The parent will be provided a copy of the *Notice of Procedural Safeguards*, as well as the *Parent's Guide to the Admission, Review, and Dismissal (ARD) Process*. District Assessment Personnel should have the parent sign a Receipt for Explanation of Procedural Safeguards form, acknowledging receipt of both these documents. The parent must be provided the Prior Written Notice regarding the request to ~~reevaluate~~reevaluate the student. See [PRIOR WRITTEN NOTICE]. District Assessment Personnel should have the parent sign a Notice and Consent for Full and Individual Evaluation form, indicating receipt of the notice and consent for the reevaluation. The consent form must include an acknowledgement by the parent regarding all of the above elements of consent for the reevaluation.

When obtaining consent, District Assessment Personnel will document in writing that the parent fully understands the information. If the parent's native language is a language other than English, District Assessment Personnel will document on the consent form all efforts to provide an interpreter in the parent's native language and note whether the parent is declining the use of an interpreter in their native language.

When obtaining consent, District Assessment Personnel will explain that the reevaluation will assess in all areas of suspected disabilities. The parent may not sign consent for a partial assessment or limit the scope of the evaluation by only providing consent for certain areas. Furthermore, District Assessment Personnel are only required to obtain consent to the reevaluation itself—not to any specific reevaluation methodology. Unlike an initial evaluation, there is no timeline for a reevaluation once consent is obtained, but District Assessment Personnel will make efforts to complete it within a reasonable amount of time, as agreed upon by the ARD Committee, but no later than the three-year anniversary date of the previous evaluation.

When Despite Reasonable Efforts, The Parent Fails to Respond

District Special Education Personnel should document all attempts to seek informed consent from the parent for the reevaluation, including phone calls, emails, certified mail, and home visits, through a Communication Log. In the Communication Log, District

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Assessment Personnel will record the method of communication utilized (i.e. phone call, email, letter, or home visit), who made the attempt, and when the attempt was made. Further, the District Assessment Personnel will document the results of the attempt (i.e. whether contact was made and consent was obtained) in the Communication Log.

If the parent has not provided signed consent within 5 school days after the notice of the reevaluation is sent to the parent, District Assessment Personnel will, at a minimum, make three attempts to contact the parent on three different days at different times of the day utilizing at least two delivery methods, including a written letter to the parent provided both via certified mail and sent home ~~in the student's backpack~~ with the student. District Assessment Personnel will also consider visiting the parent at the parent's home or place of employment. All attempts to contact the parent related to the reevaluation should be documented in the Communication Log.

If the parent fails to respond after three documented attempts, Campus Special Education Personnel will then send a letter to the parent both via certified mail and sent home ~~in the student's backpack~~ with the student documenting the reasonable efforts to obtain the parent's consent and notifying the parent that the reevaluation will proceed without the parent's consent. District Assessment Personnel will then proceed with the reevaluation. The Communication Log and all correspondence with the parent should be maintained in the student's special education file.

When Parent Refuses to Consent to a Reevaluation

If the parent of an enrolled special education student refuses to consent for the reevaluation or revokes consent for the reevaluation during the evaluation process, District Assessment Personnel must have the parent indicate, in writing, their refusal on the Notice and Consent for Full and Individual Evaluation form or the Revocation of Consent form. District Assessment Personnel must then notify the Special Education Director who will determine whether or not the District wishes to continue to pursue the reevaluation through mediation or by filing a request for due process hearing to override the parent's refusal to consent. A special education hearing officer in a due process hearing may issue an order or decision that authorizes the evaluation of the student. Such an order or decision authorizes the reevaluation of the student without parental consent.

[ADD ADDITIONAL DISTRICT PROCEDURES AS APPROPRIATE]

Evidence of Implementation

- REED
- Prior Written Notice Regarding the REED
- Notice of Proposal to Reevaluate and Consent to Reevaluate forms

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- *Notice of Procedural Safeguards*
- *Parent's Guide to the ARD Process*
- Receipt for Explanation of Procedural Safeguards form
- Receipt for *Parent's Guide to the ARD Process*
- Communication Log
- Letter Documenting Reasonable Efforts
- Revocation of Consent form
- Full Individual Evaluation
- **[DISTRICT FORMS]**

Resources

[The Legal Framework for the Child-Centered Special Education Process: Consent for Reevaluation - Region 18](#)

[Review of Existing Evaluation Data Frequently Asked Questions - Texas Education Agency](#)

[Evaluations & Reevaluations FAQ - Partner Resource Network](#)

[OSEP Letter to Sarzynski \(Sept. 5, 2007\) - U.S. Department of Education](#)

[OSEP Letter to Sarzynski \(May 6, 2008\) - U.S. Department of Education](#)

[OSEP Letter to Anonymous \(Feb. 6, 2007\) - U.S. Department of Education](#)

[OSERS Questions and Answers on Individualized Education Programs \(IEPs\), Evaluations, and Reevaluations \(Revised Sept. 2011\) - U.S. Department of Education](#)

[Reevaluations - SPEDTex](#)

[Notice of Procedural Safeguards - Texas Education Agency](#)

[ADDITIONAL DISTRICT RESOURCES]

CITATIONS

Board Policy EHBAA and EHBAE; 34 CFR 300.300(c)–(d), 300.302, 300.322, 300.9;
Texas Education Code 29.0041(a)–(c)