

Specific Learning Disability: Triennial Reevaluation and Continued Eligibility

Key Question: *How might a Triennial Reevaluation be conducted for a student who was initially identified under the previous SLD criteria (including “a severe discrepancy between achievement and intellectual ability”)? How is a determination of continued eligibility made and documented?*

Reevaluations are planned in the same way as initial eligibility evaluations, with parents participating as team members. Existing data are reviewed to determine if any additional data are needed. However, with reevaluations it is presumed that the initial eligibility process was valid and that the disability remains unless there are data that indicate otherwise, including evidence of a change in the student’s ability to benefit from the general education curriculum without supplemental aids and services (e.g., specialized instruction no longer necessary). The focus of the triennial reevaluation process and meeting is on existing student-centered data, such as ongoing assessments of progress and focused/diagnostic assessment that answers specific questions related to the child’s learning. Important considerations and determinations include: sufficiency of response to instruction/intervention provided; degree to which the current special education services are meeting the individual student needs; and any indicated changes to instruction and services.

The attached *Triennial Reevaluation (October 2009)* document describes the two alternatives to a triennial reevaluation that includes the collection of additional evaluation data.

The preamble to the 2006 federal regulations includes the following in reference to students initially identified under a different set of criteria than what is in place at the time of reevaluation.

States that change their eligibility criteria for SLD may want to carefully consider the reevaluation of children found eligible for special education services using prior procedures. States should consider the effect of exiting a child from special education who has received special education and related services for many years and how the removal of such supports will affect the child’s educational progress, particularly for a child who is in the final year(s) of high school. Obviously, the group should consider whether the child’s instructional and overall special education program have been appropriate as part of this process. If the special education instruction has been appropriate and the child has not been able to exit special education, this would be strong evidence that the child’s eligibility needs to be maintained.

- Federal Register, p. 46648

It is not required that the form used to document an initial eligibility decision be completed as part of a triennial reevaluation. However, the team’s determination as to “continued eligibility” does need to be documented somewhere. A team may find it relevant to complete only the first two response boxes of the



model eligibility form. *See CDE's *Determination of Eligibility: Specific Learning Disability* model document posted with the IEP forms at http://www.cde.state.co.us/cdesped/iep_forms#disabilitycategories (select Specific Learning Disability-

English/Spanish in the Disability Categories and Eligibility Criteria section). Special consideration should be made as to the documentation of evidence that a student continues to have a Specific Learning Disability and is in need of specific accommodations if the student will soon be transitioning from high school to a college or university. This does not mean that a specific assessment or a full battery of assessments needs to be administered just for the purpose of determining eligibility for accommodations in postsecondary educational settings. Documentation that would assist in the successful transition of a student who may need disability services after graduation from high school is described in the resource, *High School to College Transition for Students with Specific Learning Disabilities*, and is available in two versions with these titles: *Documentation Guidelines for Educators* and *Documentation Guidelines for Postsecondary*. http://www.cde.state.co.us/cdesped/transition_resources under the heading "Handbooks and Publications"

This CDE guidance document is meant for clarification, is not legally binding, and is not to be confused with legal advice. This guidance reflects CDE's recommendations, but Administrative Units (AUs) may have developed their own policies or procedures that differ from those described herein. Be sure to refer to your local AU's policies and procedures through the Director of Special Education. If you are seeking legal advice, please contact your legal counsel.

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Triennial Reevaluation

This document highlights two alternatives (other than a reevaluation that includes additional assessment/information) that may occur at the time that a student is due for a three-year reevaluation. The first sub-section of this document addresses an option that is new in IDEA 2004.

Triennial reevaluation “unnecessary”

Reevaluation... “Must occur at least once every 3 years, **unless the parent and public agency agree that a reevaluation is unnecessary.**” [34 CFR §300.303(b)(2)]

- It is strongly recommended that any agreement between the parent and the LEA – i.e., that a triennial evaluation is unnecessary – be documented in writing to avoid any misunderstandings and to show that an agreement was, in fact, reached.
- It would be rare that the LEA and parents would determine that a child who has not been evaluated for three years should not be reevaluated “to determine if the child continues to be eligible for special education **and/or** to identify all of the child’s special education and related services needs.” *ECEA Rule 4.02(6)(a)(ii)]
- As indicated in the ECEA language in the previous bullet, even if continued eligibility is not being questioned, a reevaluation would be important in identifying all the child’s special education and related services needs.

Reevaluation with “no additional evaluation data needed”

More common than determining that a triennial reevaluation is unnecessary might be the decision that, following a review of existing data (e.g., evaluations and information provided by the parents, classroom assessments, benchmark assessment, progress monitoring data, etc.), no additional evaluation data are needed to determine that a child is or continues to be eligible for special education services and/or to determine the child’s educational needs. *34 CFR §300.305(a)(1)+

- The CDE model “Prior Notice and Consent” form addresses this scenario, giving the parent the opportunity to disagree and request further evaluation.

The “reevaluation,” even without further assessment, consists of the review of existing student data and the consideration/determination of continued eligibility and/or determination of educational needs and services.