



Question and Answer Document

Review of Existing Evaluation Data and Reevaluation

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Introduction

The Texas Education Agency (TEA) has developed this document to provide technical assistance to local educational agencies (LEAs). The intention of this document is to provide helpful, general information. It does not constitute legal advice nor is it a substitute for consulting with a licensed attorney. The information should not be relied upon as a comprehensive or definitive response to all specific legal situations. This document does not include a complete rendition of the law.

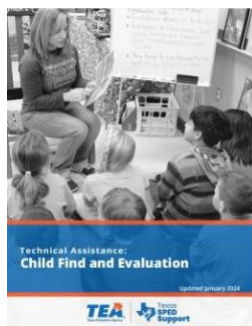
The Individuals with Disabilities Education Act (IDEA) establishes the framework for reviews of existing evaluation data (REEDs) and reevaluations of students served by special education. It provides that an LEA must reevaluate a student served by special education if the LEA determines that the student's educational or related services needs, including improved academic achievement and functional performance, warrant a reevaluation, or if the student's parent or teacher requests one. The IDEA places time limitations and requirements on when a reevaluation occurs, which cannot occur more than once a year, unless a student's parent and the LEA agree otherwise, but must occur at least once every three years unless the student's parent and the LEA agree that a reevaluation is unnecessary. As part of the reevaluation, the admission, review, and dismissal (ARD) committee and other qualified personnel, as appropriate, must complete a REED to help determine what additional data, if any, are needed to determine whether the student continues to require special education and related services and whether changes are needed to the services provided.

While [34 CFR §300.305](#) refers to REEDs being conducted for initial evaluations *if appropriate*, best practice dictates - and thus TEA would expect - that a REED will always be part of the initial evaluation process because there is always existing data for the multidisciplinary team (MDT) to review as it begins the evaluation process.

This question-and-answer document is intended to provide guidance and best practices to LEAs regarding the REED and reevaluation processes.

Throughout this guide, when the term "parent or parents" is used, the term includes the definition aligned to [34 CFR § 300.30](#). That definition includes biological or adoptive parent, foster parent, guardian, an individual acting in the place of a biological parent with whom the child lives or is legally responsible for the child's welfare, or a surrogate parent as defined in [34 CFR § 300.519](#).

This resource is intended to be used in conjunction with the [TEA Technical Assistance: Child Find and Evaluation](#) document and the recorded webinar, [Reevaluations: from Review of Existing Evaluation Data \(REED\) to Evaluation](#).



Section 1: Review of Existing Evaluation Data (REED)

1.1 What is a REED?

A REED is the process of looking at a student's existing data, along with input from the parent, to determine if additional data is needed as part of an initial evaluation or as part of a reevaluation. Specifically, the group conducting the REED must decide if further assessments are required to determine:

- Whether the student has or continues to have a disability, and the educational needs of the student;
- What the student's academic and developmental needs are, or whether the student's present levels of academic achievement and related developmental needs have changed;
- Whether the student needs or continues to need special education and related services; and
- For a student already receiving special education and related services, whether the student needs any additions or changes to their special education and related services to meet the measurable annual goals set out in the individualized education program (IEP) and to participate, as appropriate, in the general education curriculum.

1.2 Who conducts a REED?

In the case of a reevaluation, a REED is conducted by the members of the student's ARD committee and must include the parent or adult student, LEA representative, general education teacher, special education teacher, person who can interpret instructional implications of evaluation results, and other qualified personnel, as appropriate. While it is acceptable for an LEA to conduct a portion of the REED and draft recommendations as to whether additional data are necessary for a reevaluation, the REED must include parental input, and the parent must be afforded an opportunity to request an assessment if the LEA's drafted portion of the REED determines that assessment is not necessary. For an initial evaluation, the REED is completed by the MDT, which is a group of qualified professionals, to determine evaluation needs based on the suspected disability or disabilities. See [question 1.11](#) for more information regarding how a REED is conducted for an initial evaluation.

Any student eligible as a student with a visual impairment in Texas requires a Certified Orientation and Mobility Specialist (COMS) to be included in a REED. If a student has a visual impairment, is deaf or hard of hearing (DHH), or is deafblind (DB), then a teacher of students with a visual impairment and/or a teacher of students who are deaf or hard of hearing must be included in the REED as well.

When dyslexia is suspected, [TEC §29.0031](#) requires a person with specific knowledge of the reading process, dyslexia and related disorders, and dyslexia instruction to serve on the LEA's MDT and any ARD committee that is convened to determine eligibility for special education and related services. Additionally, this member must be a part of an ARD committee meeting at which a change in and/or continued eligibility is discussed, such as when conducting a REED as part of a reevaluation.

1.3 Is an ARD committee meeting required when conducting a REED?

No. A REED may be conducted without holding an ARD committee meeting. It is common practice, however, for REEDs to be conducted in conjunction with an ARD committee meeting when considering a reevaluation. This enables the group to review the information together and to document the determinations made by the participants. LEAs need to keep in mind that this REED should be done early enough in the process so that if any assessments or other evaluations are determined necessary, there will be sufficient time to complete them before the reevaluation due date.

1.4 Is there a timeline to conduct a REED?

For an initial evaluation, the timing of the REED would occur shortly after the LEA receives informed written consent from the parent to evaluate in order to meet the [initial evaluation timeline](#) required under law (in most cases, 45 school days).

For the three-year reevaluation, the REED needs to be conducted prior to the due date of the three-year reevaluation, with enough time for any requested evaluation to be completed, and a report written by the reevaluation due date. A best practice recommendation is that a REED be completed at least 45 school days before the three-year anniversary date. If additional data are needed, the information must be obtained prior to the reevaluation due date.

1.5 What information is reviewed when a REED is conducted?

At a minimum, a REED must include the following information if the data is available:

- The student's evaluations, including independent evaluations conducted by outside entities, and information provided by the student's parents or the adult student;
- The student's current classroom-based and local assessments, classroom-based observations, curriculum-based measurements (CBMs), criterion-referenced assessments, State of Texas Assessment of Academic Readiness (STAAR®) results, report cards, discipline reports, attendance records, medical and health records, the most recent full and individual evaluation (FIE), and any other pertinent information; and
- The teachers' and related service providers' observations of the student.

1.6 Is parental consent required before conducting a REED?

The IDEA does not require parental consent before reviewing existing data as part of an evaluation or reevaluation process. However, informed parental consent is required before an initial evaluation or reevaluation is conducted. The LEA must have received informed consent from the parent for the evaluation to proceed ([see Question 1.11](#)).

While a REED is part of an initial evaluation, if appropriate, it is considered best practice to always collect and review all existing evaluation data on a student as part of an initial evaluation. For example, there is an outside evaluation submitted for consideration, and the MDT conducted a REED. The MDT may determine that no additional data is needed. This is considered an initial evaluation, and parental consent is required.

If a student is referred for an initial evaluation, all procedures prior to initiating the evaluation must be followed. This includes the distribution of the prior written notice, the [Notice of Procedural Safeguards](#), and the [Overview of Special Education for Parents](#) form. In addition, the opportunity to sign informed consent must be provided to the parents/guardians or the adult student.

A REED is the first step in the reevaluation process. Parental consent is not required before conducting a REED for a reevaluation of any kind (triennial or otherwise). It is typical for members of the ARD committee to conduct a REED and review existing data. The parent needs to be part of this discussion to ensure they are informed about the REED process, which requires up-to-date parent information. Following the REED, the LEA must obtain parental consent in order to conduct a reevaluation.

1.7 What if the group conducting a REED for a reevaluation concludes that additional data are needed?

If the group conducting a REED determines that additional data are needed, the LEA must:

- Provide the parent or the adult student with a copy of the [Notice of Procedural Safeguards](#) and prior written notice that describes any assessments that it proposes to conduct;
- Obtain consent from the parent or the adult student before conducting any assessments (except that an LEA need not obtain consent to conduct a reevaluation if it can demonstrate that it made reasonable efforts to obtain consent – [see Question 2.9](#)); and
- Administer the assessments and evaluation measures needed to produce the necessary data on or before the three-year reevaluation due date.

See [Question 1.11](#) for clarification of a REED conducted for an initial evaluation.

1.8 What if the group conducting a REED concludes that no additional data are needed?

For an initial evaluation, there will rarely be a case in which an MDT decides that no additional data are needed. The group conducting the REED will determine any applicable assessments that are necessary and follow the process of obtaining consent from the parent or adult student before conducting any assessments ([see Question 1.7](#)).

In the case of a reevaluation, if the group conducting a REED determines that no additional data are needed, the LEA must notify the student's parent or the adult student. Best practice is to document this notification **in writing** through the deliberations and/or prior written notice:

- The group's determination and the reasons for the determination; and
- Their right to request an evaluation to determine whether the student continues to have a disability and to determine the student's educational needs.

It is important for an LEA in the REED process to carefully consider the reevaluation due date because if a parent requests additional evaluations after the LEA informs the parent of its determination that no additional data are needed, any additional evaluations must be completed in a timely manner, as there is no extension of the reevaluation deadline. If the parent or the adult student does not request additional evaluation, the LEA is not required to conduct further evaluation, and the REED may constitute the student's three-year reevaluation.

The date of the REED establishes the new three-year reevaluation date.

1.9 If a REED is conducted during an ARD committee meeting, and the parent agrees that no additional data are needed for a reevaluation, does the parent still need to be notified in writing of this decision?

Yes. In the case of a reevaluation, if the ARD committee conducting a REED determines that no additional data are needed, the LEA must still notify the student's parent or the adult student. Best practice is to document this notification **in writing** through the deliberations and/or prior written notice:

- The committee's determination and the reasons for the determination; and
- Their right to request an evaluation to determine whether the student continues to have a disability and to determine the student's need for special education and related services.

1.10 When a child is referred from Early Childhood Intervention (ECI), is the LEA required to conduct a REED?

Best practice dictates that a REED is always necessary as part of an initial evaluation, including an initial evaluation for a child referred from ECI. The MDT will collect and review all existing evaluation data on a child as part of an initial evaluation from ECI to assist in determining eligibility.

1.11 How is a REED conducted for an initial evaluation?

The first step of the initial evaluation should be for the MDT to conduct a REED.

If a student is referred for an initial evaluation, all procedures prior to initiating the evaluation must be followed. This includes the distribution of the prior written notice, the [Notice of Procedural Safeguards](#), and the [Overview of Special Education for Parents](#) form. In addition, the opportunity to sign informed consent must be provided to the parents/guardians or the adult student.

If the parent provides an outside evaluation, this would be included in the REED to determine what additional data, if any, are needed to determine if the student is a student with a disability and the educational needs of the student.

1.12 An initial evaluation was conducted, and the student did not qualify for special education services because the ARD committee determined the student did not require the provision of special education and related services. The school later refers the student for an evaluation. How does the LEA proceed with the new evaluation?

This is considered a new initial evaluation, so the same procedures apply as they would for any other initial evaluation. Please see [question 1.11](#) for more information regarding conducting a REED for an initial evaluation.

Once those procedures are followed, the MDT will conduct a REED to determine what additional data is needed to determine if the student is a student with a disability under IDEA and whether the student needs special education and related services. New testing may or may not be needed; however, there will be new information related to the student's access to and progress in the general education curriculum. This new information could include informal data from teachers and parents, changes in attendance, grades, behavior, etc., criterion-referenced data from district and state assessments, and data from curriculum-based measurements.

1.13 For a reevaluation, if the ARD committee suspects a new or different disability, does a REED need to be completed?

Yes. The ARD committee and other qualified professionals, as appropriate, must conduct a REED on the student and, based on that review, including input from the student's parents, identify what additional data, if any, are needed to make an informed decision regarding the identification of a different disability or an additional disability.

1.14 For students with an Other Health Impairment (OHI), should new data and information be gathered from the appropriate medical provider for a REED as part of a reevaluation?

It depends. If the student's medical symptoms or medical condition(s) have changed, then it may be necessary to gather additional data from the appropriate medical provider (depending on the disability, a licensed physician, physician's assistant, or an advanced practice registered nurse) to document any changes in strength, vitality, or alertness that adversely affects the student's educational performance due to the chronic or acute health problem. If the student's medical condition appears to be unchanged and the previous OHI data and provider's information capture the student's current medical presentation, then it would not need to be updated.

Note: An OHI "form" is not included in statute as a required source of data; however, many LEAs request this form to be completed as a means to document information from the medical provider. The OHI data must include identification or confirmation of the student's chronic or acute health problem(s). This applies to any disability condition that requires a medical diagnosis to support the disability.

Section 2: Reevaluation

2.1 When must a reevaluation be conducted?

A reevaluation must occur at least once every three years unless the parent and the LEA agree that a reevaluation is unnecessary. A reevaluation may not occur more than once a year unless the parent and the LEA agree otherwise.

The LEA must ensure that a reevaluation of each student with a disability is conducted when:

- The LEA determines the student's educational or related service needs, including improved academic achievement and functional performance warrant a reevaluation;
- The ARD committee suspects that the child has an additional disability;
- The student's parent or teacher requests a reevaluation;
- The ARD committee is determining whether the student continues to be a student with a disability (i.e., considering dismissal from special education); or
- An evaluation is being conducted as part of the Summary of Performance (SOP) required for a student who is graduating.

2.2 Who conducts a reevaluation?

Although a reevaluation does not have to be conducted exactly as the initial evaluation, the evaluation procedures specified in IDEA still must be followed. Therefore, assessments and other evaluation materials must be administered by trained and knowledgeable personnel – this may include teachers, an educational diagnostician, a licensed specialist in school psychology (LSSP) or school psychologist, speech-language pathologist (SLP), or other personnel with specializations in the areas of assistive technology, occupational therapy, physical therapy, visual impairments, DHH, or other areas.

When dyslexia is suspected, a person with specific knowledge of the reading process, dyslexia and related disorders, and dyslexia instruction must serve on the LEA's MDT and any ARD committee that is convened to determine eligibility or continued eligibility for special education and related services. This person would need to be involved in a reevaluation if dyslexia is the identified or suspected disability. In addition, the reevaluation must include information provided by the parent.

2.3 What must be included in the reevaluation?

The reevaluation is a written report/summary of the student's current functioning and special education and related services needs, regardless of whether formal assessments or other evaluation measures were administered. The reevaluation must include data/information, including any assessments and other evaluation measures, specified in the REED.

2.4 May the deadline for a student's reevaluation be extended by the LEA or parent?

No. Nothing in statute, rule, or regulation allows an LEA and a parent to agree to extend the three-year deadline for a reevaluation. IDEA ([34 CFR §300.303\(b\)\(2\)](#)) is clear that a student **must** be reevaluated at least once every three years **unless** the parent and district agree through the REED process that a reevaluation is not needed. This is why it is critical for an LEA to plan accordingly to allow for a REED to occur with enough time before the reevaluation deadline in case additional evaluations are part of the additional data that are necessary for the reevaluation.

2.5 Is there a specified timeline to review a reevaluation report/summary once it is completed?

There is no specified timeline in state or federal regulations when it comes to reviewing the reevaluation report/summary. However, it is recommended that LEAs follow the same process as they do with initial evaluations in that the reevaluation report/summary is reviewed by the ARD committee within 30 calendar days of the completion of the report/summary.

The date that the reevaluation report/summary is completed establishes the new three-year reevaluation due date.

2.6 When considering dismissal from special education, must the LEA ensure that the reevaluation includes additional data?

It depends. As part of the reevaluation, the REED data should reveal what additional data is necessary, if any, to determine if the student continues to have a disability and the student's educational needs as a result of the disability, or if the student continues to need special education and related services. If the ARD committee members and other qualified professionals, as appropriate, determine no additional data is necessary, then the data/information gathered for the REED could be formulated into a written report identifying the student as no longer a student with a disability. In this instance, the LEA must notify the parent of the determination that no additional data is needed and the reasons for the determination, as well as the right of the parents to request an assessment to determine whether the student continues to be a student with a disability.

2.7 When is the reevaluation process required as part of the Summary of Performance (SOP) prior to exit from the public school?

There are **two answers** to this question. While all students receiving special education services who exit public school through graduation or exceed age eligibility must receive an SOP, not all SOPs must include an evaluation. The following answers describe the graduation options included in the TAC; however, the ARD committee must use the full text from the TAC to make decisions related to graduation.

1. The reevaluation process **is not required** for students who have met graduation requirements specified by 19 TAC 89.1070(b)(1). These students demonstrated mastery of the required curriculum and completed credits for the Foundation High School Program with no modifications. Additionally, these students have demonstrated satisfactory performance on the required end-of-course (EOC) assessment instruments, as established for students in general education. The reevaluation process is also **not required for students who have exceeded maximum age eligibility** without meeting graduation requirements.
2. The reevaluation process **is required** for students who have met graduation requirements specified by 19 TAC 89.1070(b)(2) or (b)(3).
 - a. Students who meet graduation requirements specified by 19 TAC 89.1070(b)(2) met curriculum and credit requirements without modifications, and their ARD committee determined that satisfactory performance was not required for **more than two** EOC assessment instruments.
 - b. Students who meet graduation requirements specified by 19 TAC 89.1070(b)(3) met curriculum and credit requirements **with modifications**.

The requirements for the SOP are described in [19 TAC 89.1070\(f\) and \(g\)](#). For students who are “entitled to an

evaluation” with their SOP, as specified by 89.1070(f)(2), the guidance in questions 1.5 through 1.9 regarding the reevaluation process may be used to determine an appropriate evaluation for the student’s SOP. It is worth noting that while students who will be exiting public school through meeting the graduation requirements specified by 89.1070(b)(1) or exceeding maximum age eligibility are not *entitled* to an evaluation, it is recommended that appropriate reevaluation is considered for each student.

2.8 If a reevaluation is conducted and the student no longer qualifies in one or all areas, is an ARD committee meeting necessary, or can the student be dismissed through an amendment?

Eligibility determinations cannot be made through an IEP amendment. Any reevaluation report/summary that may result in a change in eligibility must be addressed as part of a properly constituted ARD committee meeting.

2.9 If the LEA has attempted to obtain consent for the administration of additional assessments as part of the reevaluation, but the parent fails to respond to provide consent, can the LEA proceed with the reevaluation without having to use mediation or due process procedures?

The LEA must make reasonable efforts to obtain informed consent for the administration of additional assessments as part of a reevaluation. If the parent does not respond, despite reasonable efforts by the LEA to obtain the parent’s informed consent, the reevaluation can proceed. Reasonable efforts are described as detailed records of telephone calls and the results of those calls, copies of correspondence sent to parents and any responses received, and detailed records of visits to the parents’ home and/or place of work and the results of those visits. Notice that the reasonable efforts listed are **plural**, so this indicates **multiple** attempts via **multiple** methods. Note that this is not a circumstance where the parent has refused to provide consent. An LEA may only move forward with the reevaluation without mediation or due process when the parent fails to reply at all.

2.10 What if the parent refuses consent for the administration of assessments for a reevaluation?

If the student is enrolled in an LEA and the parent refuses to provide consent for the reevaluation, the LEA may (but is not required to do so) pursue consent override procedures (mediation or due process procedures). If the LEA chooses not to pursue mediation or due process, they are not in violation of their obligation under the Child Find and evaluation requirements.

However, when the student is enrolled in a private school or homeschooled, the circumstances are different. If the parent of a student enrolled in a private school or is homeschooled refuses consent, the LEA may not pursue consent override procedures.

In both circumstances, LEAs should document efforts to obtain parental consent. This could be in the form of written logs, certified mail receipts, email correspondence, or other methods of documentation.

Resources

Texas SPED Support



[Informed Consent](#)

[Reevaluations](#)

[Review of Existing Evaluation Data](#)

[Summary of Performance Fact Sheet](#)

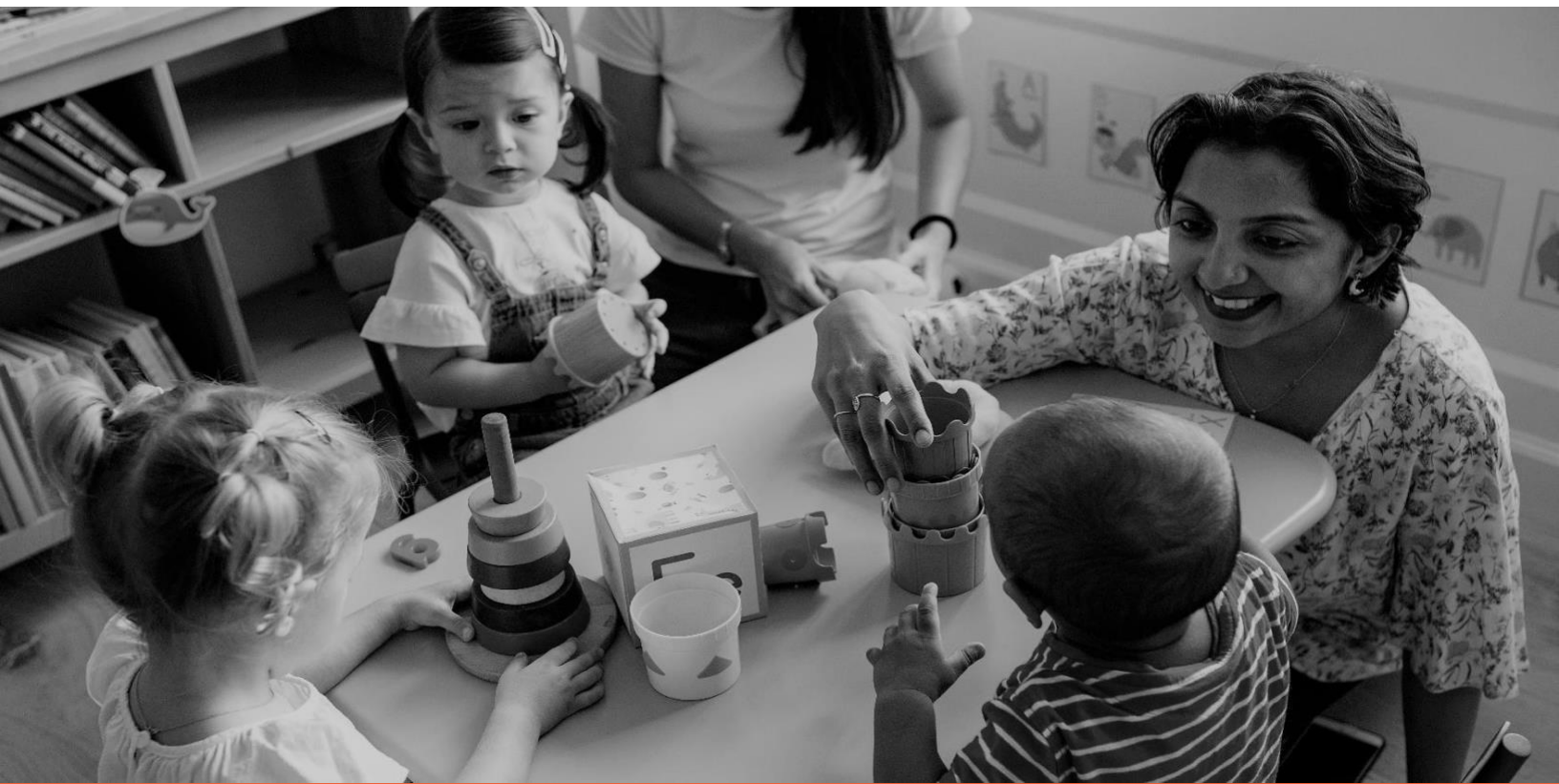
The Texas Legal Framework for the Child-Centered Special Education Process



[Evaluation Procedures](#)

[Review of Existing Evaluation](#)

[Data Consent for Reevaluation](#)



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