Q & A: Evaluations: Dismissal and Reinstatement of Services

The Minnesota Department of Education (MDE) Division of Compliance and Assistance has developed this document to address questions raised by parents and school districts regarding Evaluations: Dismissal and Reinstatement of Services.

Question 1: Must a school district conduct an evaluation prior to concluding that a child is no longer eligible for services under the Individuals with Disabilities Education Act (IDEA)?

Answer: Yes. A school district must evaluate a child with a disability, following proper evaluation procedures (notice, documentation, etc.), prior to determining that the child is no longer a child with a disability. *See* 34 C.F.R. § 300.305(e)(1).

Question 2: Is an evaluation required prior to the termination of services due to a child with a disability graduating from secondary school with a regular diploma or exceeding age eligibility?

Answer: No. School districts are not required to conduct evaluations before termination of services due to graduation or aging out. *See* 34 C.F.R. § 300.305(e)(2). Note that school districts, while not required to conduct evaluations for these children, must provide a child who graduates or ages out with a summary of the child's academic achievement and functional performance, including recommendations on how to assist the child in meeting postsecondary goals. *See* 34 C.F.R. § 300.305(e)(3).

Question 3: If a child is dismissed from services following an evaluation that determined ineligibility and that child later begins to demonstrate a need for services, must the school district conduct an evaluation?

Answer: A school district *may* be required to conduct an evaluation if a student who was previously but no longer receiving services begins to demonstrate a need for services. Children who have been discontinued from all special education services may have services reinstated within 12 months of the discontinuation. The school district is not required to conduct pre-referral interventions or a new evaluation if data on the child's Present Level of Academic Achievement and Functional Performance (PLAFP) is available and if an evaluation was conducted within the last three years. *See* Minn. R. 3525.3100.

Authority: 34 C.F.R. § 300.305(e); Minn. R. 3525.3100.