Review of Existing Evaluation Data (RED)

**MYTH:** Parents must give consent for the LEA to conduct a Review of Existing Evaluation Data (RED).

**FACT:** Parental consent is not required before reviewing existing data as part of an evaluation or a reevaluation. Refer to 34 CFR 300.300(d)(1)(i) for the legal reference on this subject.

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**MYTH:** The LEA must provide the parents with two 10-day Notifications of Meeting to conduct the RED.

**FACT:** A RED may be conducted with or without a meeting. The requirement for a RED is that the members of the IEP team (including the parent) and other qualified professionals, as appropriate, review existing evaluation data; current assessment data from classroom, local and state assessments; and classroom observations from teachers and related services providers. Based on that review and input from the parent, the IEP team must identify what if any additional data is needed to determine if the student is a child with a disability and in need of special education services.

If this review is conducted at a meeting, it would be appropriate to provide the parent with notification of the meeting just like any other IEP team meeting to ensure and document that the parent had the opportunity to participate in the process.

If this review is conducted without a meeting, it is essential that all parties hear all of the information in order to make the determination. This means that all school and parent input provided in writing and through interviews must be shared with both the school team members and the parent. In practice this would mean at least three conferring sessions between the parties e.g. case manager confers with parent; case manager confers with school team to share parent input and gather/share school input with all school team members of the IEP team; case manager then confers with the parent again to share the information gained through the school conferring process. Conferring is not putting questionnaires in teacher’s mailboxes and then calling the parent to discuss the responses as this does not meet the requirement that the IEP team determine what, if any, additional data must be collected based on the review of required data and input from the parent.

Please refer to 34 CFR 300.305(a) and 34 CFR 300.305(b) for the legal reference and additional information.

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**MYTH:** When a parent makes a request for a special education evaluation for their child, the first step is to conduct a RED.

**FACT:** The first step is to determine if the LEA suspects the student may be a child with a disability and in need of special education services. If there is no reason to suspect a disability, the LEA provides the parent with a Notice of Action Refused for the evaluation. However, if there is reason to suspect a disability, the LEA proceeds to conducting a RED to determine what, if any, additional data is needed to determine if the student is a child with a disability and in need of special education services.

It is important to note that when a RED is conducted, an evaluation for special education is in progress and can only be concluded through a Notice of Action to the parent regarding the eligibility determination and the provision of an Evaluation Report to the parent describing the results of the RED, the evaluation, and the rationale for the eligibility determination (eligible or not). Refer to 34 CFR 300.306 for additional information.

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