

## Frequently Asked Questions regarding Re-evaluations and Out of State Transfers

### Within an RTI<sup>2</sup> Framework

**Q: If an out-of-state student with a Specific Learning Disability (SLD) does not meet Tennessee criteria, do they have to go through the entire RTI process (as if it is an initial)?**

A: For students who were found eligible using a process other than RTI, it is assumed that the student did not respond to general education interventions so you would NOT treat the student as an initial evaluation. In those instances, a comprehensive re-evaluation would be needed. It is an assessment team decision as to the assessments needed- for example, if some of the evaluation procedures are current (e.g. achievement results), the team can choose to use those and only collect what is missing. The assessment documentation form for comprehensive re-evaluations will provide you with the needed components: <http://www.tn.gov/education/article/special-education-evaluation-eligibility>

Essentially, for out of state transfers, you will generate an out of state eligibility report and provide comparable services while the needed assessments are conducted. You will monitor the progress of the student while they are receiving the special education services that were determined by the IEP team to either substantiate or negate the student's continued need for those services. Within 60 calendar days, the team will reconvene to determine eligibility according to Tennessee's state standards. The team will review the data available- a minimum of 8-10 data points should be collected. Because the timeline extension request process only applies to initial evaluations, it does not apply in these instances.

**Q: How many data points are needed for a re-evaluation?**

A: Moving forward, students who are receiving special education intervention will have goals that address their area(s) of deficit and progress monitoring data to document their progress towards reaching those goals; therefore, re-evaluation teams should have plenty of progress monitoring data to review in order to make eligibility determinations. The IEP team will continue to complete the re-evaluation summary report to document previous testing and classroom based assessments (including progress monitoring data). At a minimum, as stated in the RTI manual, 8-10 data points (if progress monitoring every other week) or 10-15 (if monitoring weekly) are needed to make a data based decision about the effectiveness of and progress with an intervention.

**Q: I had a question about re-evaluations in special education. I know that SLD eligibilities will be determined by progress monitoring data but what about Developmental Delay eligibilities (these often turn into SLD eligibilities). Does special education need to progress monitor all eligibilities or just the ones that could turn into a SLD?**

A: In order for a student to be found eligible for SLD upon re-evaluation, they must have progress monitoring data that supports the need for the most intense intervention (i.e. special education) in the specific area of deficit. All students with academic goals will be progress monitored in order to establish the effectiveness of their interventions. In order to be found eligible as SLD, however, the intervention the student is receiving- either through general or special education- must be in the area of suspected disability. For example, if the student is identified as Developmental Delay but the team suspects there

may be an SLD in reading fluency, the student must receive intervention and be progress monitored in reading fluency. It is ultimately an IEP team decision whether this intervention occurs through tiered interventions or through special education services. Upon re-evaluation, however, the team will need to establish, based on this information, that the student requires the most intensive interventions (i.e. special education) in order to close the achievement gap in the area of suspected disability.

**Q: Do we consider out of state RTI data like we would consider in-state RTI data and use it if it is comparable, or do we need to start NEW RTI data with ALL out of state transfer cases?**

A: If a student transfers from out of state with an SLD using the RTI model and the team determines the data is sufficient for determining eligibility, the team may choose to accept that data and find that student eligible according to TN state standards. In that case, the team would review the information through the re-evaluation summary report and generate an eligibility report.

**Q: For in-state SLD transfer cases who qualified under the discrepancy rule, are we required to now collect RTI data in the new district?**

A: A new eligibility report is not required for in-state transfers. Likewise, students who transfer within the state do not need to be re-evaluated unless the team questions that student's eligibility. For students identified prior to July 1, 2014, they will likely have been found eligible using the discrepancy model. We are not dismissing this eligibility determination. In these cases, it is assumed that the student did not respond to research based interventions provided through general education; however that student's progress should continue to be monitored with special education interventions. If, at any time, the data indicates that the student no longer requires special education interventions, the team may initiate a re-evaluation to consider continued eligibility.

**Q: I have a student who was identified back in the discrepancy days as SLD in reading comprehension and basic reading skills. However, all along the student has had IEP goals and has received special education services in math. Now the student is up for re-evaluation and I want the math area to be an area of identification. Am I required to treat this as an initial evaluation or can I handle all of the areas as a re-evaluation even though the previous identification was in the reading area only since the student has been receiving special education in all areas?**

A: You can treat all areas as a comprehensive re-evaluation- as long as the intervention and progress monitoring were in the specific area(s) of deficit. Regardless of whether the interventions occurred through general or special education, you will need to determine through the re-evaluation that the student continues to require the most intense intervention (i.e. special education) in that area. You will also want to document the evaluation on the SLD assessment documentation form for comprehensive re-evaluations: [http://www.state.tn.us/education/student\\_support/eligibility.shtml](http://www.state.tn.us/education/student_support/eligibility.shtml)

**Q: If a student with SLD is up for re-evaluation and we have progress monitoring data that is sufficient to determine continued eligibility, can I proceed with the eligibility determination through a file review without fidelity checks?**

Q: Yes- when conducting a file review, the fidelity of implementation is assumed through the teacher evaluation model. If, however, the team questions the appropriateness of eligibility and/or intervention or the fidelity of implementation, they may choose to initiate a comprehensive re-evaluation in order to further explore those concerns.

**Q: For an SLD student whose reevaluation is currently due, is current progress monitoring over goals relating to their specific area of deficit attached to their reevaluation summary packet sufficient to determine continuing eligibility, i.e., assuming the team indicates no further assessments are necessary? Should there be at least 20 weeks of progress monitoring data, fidelity checks, etc.?**

A: Progress monitoring data may be included and/or attached to section IV of the re-evaluation summary report. 8-10 data points if monitoring every other week or 10-15 if monitoring weekly are required to make a data based decision regarding the effectiveness of and response to an intervention. Fidelity checks are only required as part of a comprehensive re-evaluation; otherwise, fidelity is assumed under the teacher evaluation model.