



MEMORANDUM

To: State Board of Education
From: Becky Bowman, Board Administrator
Date: October 3, 2012
Re: Proposed changes to 511 IAC 7-40-8-(1)

At its May meeting, the Board approved the Department's request to initiate rulemaking to revise 511 IAC 7-40-8(1) to align with the requirements of the Individuals with Disabilities Education Act. The following revision is proposed:

- ~~(l) After a parent consents to reevaluation, or fails to respond to a request for consent under subsection (k),~~ **In considering the need for reevaluation, the CCC and other qualified professionals, as appropriate, must do the following:**
- (1) Review existing evaluation data on the student, including the following:
 - (A) Evaluations and information provided by the parents of the student.
 - (B) Current classroom based, local, or state assessments, and classroom based observations.
 - (C) Observations of teachers and related services providers.
 - (2) On the basis of that review, and input from the student's parent, identify what additional data, if any, are needed to determine the following:
 - (A) Whether the student continues to have a disability as described in 511 IAC 7-41 and the special education and related service needs of the student.
 - (B) The present levels of academic achievement and functional performance and related developmental needs of the student.
 - (C) Whether the student continues to need special education and related services.
 - (D) Whether any additions or modifications to the special education and related services are needed to:
 - (i) enable the student to meet the measurable annual goals set out in the student's IEP; and
 - (ii) participate, as appropriate, in the general education curriculum.

The Department requests the Board's approval of the proposed changes. Once the proposed rule change is published, there will be an opportunity for public comment prior to the Board's final action on the proposed language.