

Procedures Required When a Parent Requests an Evaluation: Regardless of Where the Student is in the RTI² Process

Update from TN Department of Education with OSEP Memo Clarification

As LEAs begin implementation of Tennessee's RTI² Framework, the department would like to remind districts of the procedures required when a parent requests an evaluation. As referenced in [this memorandum](#) issued through the Office of Special Education Programs (OSEP), a Response to Intervention (RTI) process cannot be used to delay or deny an evaluation for eligibility under the Individuals with Disabilities Education Act (IDEA).

A parent may request an evaluation at any time- regardless of where the student is in the RTI² process. Within 60 calendar days, the team will continue to collect intervention and progress monitoring data as well as achievement testing, systematic observations, and any other relevant assessments determined by the school team. Prior to the 60 day evaluation timeline, the IEP team will convene to review these assessments and determine the student's eligibility for special education. If the team does not have sufficient data to make an eligibility determination, the team could either determine that the student is not eligible at that time or may request an extension of the 60 day timeline until more data can be collected. If the team opts to request an extension, the parents must be in agreement with this decision.

In addition, eligibility for special education must not be pre-determined. Therefore, if a referral is made for a student who is receiving interventions through RTI, it would not be appropriate to pre-determine that the student will not be eligible due to a lack of data. Rather, communication with the parent should include information regarding the intervention process, the student's progress to date, and the process used to determine the need for special education. Moreover, the team may discuss the need for sufficient data to make this determination and the possibility that the team will not have the data needed to determine eligibility if sufficient data has not been collected.

Please contact Theresa Nicholls at Theresa.Nicholls@tn.gov with additional questions.

10/23/14