



**Los Angeles County
Office of Education**

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November 8, 2007

To: Educational Programs

From: Compliance Support Services

**Topic: Compliance Information Bulletin Number 7
Psychologists Being Present at Triennials**

1. Is a comprehensive evaluation required every three years?
2. Does the psychologist have to be present at the triennial or can they present the results of their evaluation via an addendum?

Answer 1:

The purpose of assessing the pupil at a triennial is for the following four issues:

- ◆ Whether the child continues to have a particular disability;
- ◆ Ascertainment of the child's present levels of performance and educational needs;
- ◆ Whether the child continues to need special education and related services; and
- ◆ Whether any additions or modifications to the special education and related services call for in the child's IEP are needed to enable him or her to meet the measurable annual goals set out therein or to participate, to the extent appropriate, in the general curriculum.

Recognizing that the needs of a student with a disability change over time 20 U.S.C. § 1414(a)(2) generally requires that an eligible student receive a reevaluation at least every three years and more frequently if either "conditions warrant" or if the student's parent or teacher so requests.

However, please keep in mind that in the 1997 Amendments states that if the child's disability has not changed over the three-year time period, the provisions of the bill require that existing evaluation data on a child be reviewed to determine if any other data are needed to make decisions about a child's eligibility and services. If it is determined by the IEP team and other qualified professionals that additional data are

not needed, the parents must be so notified of the determination that no additional data are needed, the reasons for it, and of the parents' right to still request an evaluation.

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Unlike current law, however, no further evaluations will be required at that time unless requested by the parents.

Answer 2:

A placement decision is not and does not need to be a determination of the specific classroom within the designated school or other facility or specific teachers. While such decisions may be made by the child's **multidisciplinary (placement) team**, the IDEA also permits school districts to treat these matters as administrative decisions to be made by school personnel. *Letter to Wessels*, 16 EHLR 735 (OSEP 1990).

The psychologist is definitely a member of the multidisciplinary team and the entire team needs to be knowledgeable about the results of the evaluation and/or statement that the pupil continues to qualify for special education services.

Before any placement decision can be made, all evaluations and goals and objectives must be reviewed to determine the least restrictive environment that will be appropriate to implement the IEP.

For this reason, an addendum to review the results of the evaluation(s) after the placement decision has been made should be discontinued.

Reviewed By: Rose Marie Benjamin-Zuniga
 Consultant, Psychological Services

The Answer Book on Special Education Law, Third Edition by Susan Gorn, LRP Publications

The Answer Book on Individualized Education Programs, 1997 by Susan Gorn, LRP Publications

Enclosure

GML:jh