

NASET's HOW TO Series

January 2013

How to Prepare for the Triennial Process

One of the responsibilities for the special education teacher may be involvement in the **triennial evaluation** (a complete and updated evaluation required every three years for all children classified as having a disability by the Eligibility Committee). This is a very important phase of the special education process because it reviews the factors that accounted for the child's classification and placement.

There are several phases to the triennial evaluation that may involve many staff members from a variety of disciplines. The objectives for the special education teacher in the triennial evaluation include the following:

1. To retest the child's achievement skill areas.
2. To retest the child's perceptual skill areas.
3. To analyze the results and compare the similarities in patterns to past evaluation results
4. To write a detailed and comprehensive updated report of the findings that will be shared with the Committee on Special Education as well as the staff and parents.
5. To participate in the **annual review meeting** (a required yearly meeting for all classified students at which time the child's classification and educational placement are reviewed) and discuss the results in order to help the Committee on Special Education make a decision on continuation of classification and services or **declassification** (an option by the Eligibility Committee when the classified child no longer requires special education services to maintain success in mainstream classes)
6. To share the results with parents
7. To help interpret and analyze achievement and perceptual test results that may be submitted from outside agencies or professionals pertinent to the triennial evaluation of a specific child. This can occur if the parent chooses an independent evaluation.

It should be noted that a new release for testing involving a triennial evaluation is not required by law. The school may proceed with this process without a new release but must inform the parents that the process will be taking place. An example of that communication to parents might look like this:

PARENT NOTICE OF TRIENNIAL EVALUATION

To Parents/Guardian of: _____

Date: _____

Dear Parents,

Please be advised that the Committee on Special Education has arranged for a comprehensive re-evaluation of your child that, according to state regulations, is required every three years.

The school psychologist will be available to review all the results with you when the re-evaluation is completed. If you have any questions, please don't hesitate to call the school psychologist or me.

A **Statement of Parents' Rights** is enclosed for your information.

Sincerely,

The re-evaluations to be done are:

During the triennial process, you will need to be aware that parents have certain rights. Become familiar with these rights since you will undoubtedly be asked from time to time and should always make sure parents are provided with these rights prior to the triennial evaluation. This is part of their due process rights. An example of a statement of parent's rights appears below:

STATEMENT OF PARENT'S RIGHTS

Dear Parent(s):

It is important that you be aware of, and understands, that you have the following rights in accordance with Section ____ of the Regulations of the Commissioner of Education:

1. To inspect all school files, records, and reports pertaining to your child. Such reports shall be available for duplication at reasonable cost.
2. To obtain an independent educational evaluation at public expense if you disagree with the evaluation obtained by the school district. However, the school district may initiate a hearing to show that its evaluation is appropriate. Such services may be obtained at:
3. To obtain free or low cost legal services at no cost to the school district. Such services may be obtained at:
4. To appeal the recommendations of the Committee on Special Education and request, in writing, an impartial formal hearing to determine the appropriateness of the proposed placement to change the program.

The impartial formal hearing will be conducted in accordance with the following rules:

- The board of education or trustees shall appoint an impartial hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in connection with the administrative proceedings before him/her.
- A written or electronic verbatim record of the proceedings before the hearing officer shall be maintained and made available to the parties.
- At all stages of the proceeding, where required, interpreters of the deaf, or interpreters fluent in the dominant language of pupil's home shall be provided at district expense.
- The impartial hearing officer shall preside at the hearing and shall provide all parties an opportunity to present evidence and testimony.
- The parties to the proceeding may be represented by legal counsel or individuals with special knowledge or training with respect to the problems of children with disabilities, and may be accompanied by other persons of their choice.
- Unless a surrogate parent shall have previously been assigned, the impartial hearing officer shall determine whether the interests of the parent are opposed to or inconsistent with those of the child, or whether for any other reason the interests of the child would best be protected by assignment of surrogate parent, and, where he so determines, the impartial hearing officer shall designate a surrogate parent to protect the interests of such child.

- The hearing shall be closed to the public unless the parent requests an open hearing.
- The parents, school authorities, and their respective counsel or representative, shall have an opportunity to present evidence and to confront and question all witnesses at that hearing. Each party shall have the right to prohibit the introduction of any evidence the substance of which has not been disclosed to such party at least five days before the hearing.
- The parents shall have the right to determine whether the child shall attend the hearing.
- The impartial hearing officer shall render a decision, and mail a copy of the decision to the parents and to the board of education, not later than 45 calendar days after the receipt by the board of education of a request for a hearing or after the initiation of such hearing by the board. The decision of the impartial hearing officer shall be based solely upon the record of the proceeding before the impartial hearing officer, and shall set forth the reasons and the factual basis for the determination. The decision shall also include a statement of such a decision by the commissioner in accordance with subdivision ____ of the hearing officer, the board of education shall mail a copy of such decision, after deleting any personally identifiable information, to the Office of Children with Handicapping Conditions, State Education Department, for the use of the State advisory panel.
- A review of the decision of a hearing officer rendered in accordance with subdivision ____ of this section may be obtained by an appeal to the commissioner. The written decision of the commissioner, a copy of which will be mailed to the parent and board of education, shall be final.

The triennial review is required to be completed no later than 3 years from the previous date of testing. Therefore it is important to maintain an updated list each year of all students that will be up for a triennial evaluation that year. Begin early enough so that you meet the deadlines in the law. Beginning early will never be a problem. However, being late could create some concern from administrators as well as parents.

While the special education teacher is updating the child's achievement and perceptual levels, other professional may be involved in the triennial evaluation as well. This may include the psychologist, speech and language therapist, nurse teacher, social worker, guidance counselor, classroom teacher/s and parents. If you are designated as the Case Manager for this process refer to the following checklist to ensure that all the necessary materials are included in the final packet. The entire triennial packet is outlined in the following form:

TRIENNIAL REVIEW -REQUIRED MATERIALS

CHECK OFF

Evaluations

- _____ -NEW PSYCHOLOGICAL EVALUATION(S)
- _____ -NEW PSYCHOEDUCATIONAL EVALUATION
- _____ -NEW SPEECH/LANGUAGE EVALUATION(S)-IF APPLICABLE
- _____ -OUTSIDE REPORTS - IF APPLICABLE

Academic data

- _____ -MOST RECENT REPORT CARD
- _____ -CLASSROOM TEACHERS REPORTS

Developmental data

- _____ -NEW SOCIAL AND DEVELOPMENTAL HISTORY FORM

Other Required Information and Procedures

- _____ - PARENT LETTER OF TRIENNIAL REVIEW SENT
- _____ -MEDICAL UPDATE