

Pennsylvania Department of Education
Bureau of Special Education Guidance
Evaluations & Reevaluations

In response to the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), the U.S. Department of Education (USDE) reviewed the Individuals with Disabilities Education Act (IDEA) to determine any waivers to recommend to Congress to provide flexibility to local education agencies (LEAs) during the COVID-19 pandemic. USDE did not recommend waivers for evaluation and reevaluation timelines nor did Congress advance any legislation to relieve LEAs from evaluation and reevaluation timelines. As a result, Title 22, Chapter 14 of the Pennsylvania Code, 22 Pa. Code Chapter 14 (Chapter 14) continue to govern evaluation and reevaluation requirements for students with disabilities during the COVID-19 pandemic.

Pursuant to 22 Pa. Code §§ 14.123 and 14.124, evaluations and reevaluations must be completed and the evaluation report presented to parents or guardians no later than 60 calendar days after receiving written parental consent for the evaluation. Summer calendar days do not count.

This guidance does not reflect any revised federal or state law, regulations, or policy. Because the COVID-19 pandemic is a rapidly evolving situation, this guidance provides LEAs with additional considerations regarding evaluations and reevaluations. This guidance is not intended to provide legal advice, and LEAs should consult with their solicitor.

Q: May a LEA abandon a 60-day timeline it was unable to meet due the COVID-19 school closures and restart a new 60-day timeline when school resumes?

No. According to [USDE’s March 16 guidance](#), “[i]f an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be *delayed until school reopens (for in-person instruction)*. Evaluations and re-evaluations that do not require face-to-face assessments or observations *may take place while schools are closed*, so long as a student’s parent or legal guardian consents.” LEAs may conduct a review of existing evaluation data and use virtual evaluation tools.

LEAs and parents should continue to work together to meet IDEA requirements, including evaluation and reevaluation timelines, as best as possible. According to [USDE’s March 21 guidance](#), LEAs “are encouraged to work with parents and guardians to reach mutually agreeable extensions of time, as appropriate.” LEAs may obtain informed consent from parents and guardians to *extend* the 60-day timeline. LEAs and parents should make every effort to complete evaluations and reevaluations with as little delay as possible.

Q: What can a LEA do to support a student if it is unable to complete an initial evaluation report during the COVID-19 school closures?

An LEA may consider the provision of additional supports and services for a student prior to the completion of an initial evaluation to ensure access to his or her educational program during the COVID-19 school closures.

Q: Will BSE consider a LEA's failure to complete evaluations and reevaluations in a timely manner due to the COVID-19 school closures in reaching compliance determinations?

Yes. Evaluation and reevaluation timelines have not been waived by USDE. BSE is required to determine an LEA as being noncompliant for failure to meet timelines. In accordance with IDEA requirements, LEAs must correct all noncompliance *as soon as possible* but in no case later than one year from the date of the monitoring report.

Q: Should a LEA conduct virtual cognitive or achievement assessments?

If standardized tests, such as cognitive assessments, or formal achievement tests are not designed to be administered virtually, the administration of such tests must be given through the means in which they were developed and standardized to be considered valid and reliable. Deviations from standardization must be reported and, at times, can invalidate test results, which could potentially impact eligibility determinations.

If there are standardized tests, such as cognitive assessments, or formal achievement tests designed to be administered virtually, LEAs should consider the impact of environmental or other factors which could compromise the validity of the results.

Therefore, evaluations that require in-person testing or observations should be postponed until the school deems it safe for staff and students for in-person testing.