**24:05:25:04.02.  Determination of needed evaluation data.** As part of an initial evaluation, if appropriate, and as part of any reevaluation, the individual education program team required by § 24:05:27:01.01 and other qualified professionals as appropriate with knowledge and skills necessary to interpret evaluation data, shall:

 (1)  Review existing evaluation data on the child, including:

 (a)  Evaluations and information provided by the parents of the child;

 (b)  Current classroom-based local or state assessments and observations; and

 (c)  Observations by teachers and related services providers; and

 (2)   Based on the above review and input from the student's parents, identify what additional data, if any, are needed to determine:

 (a)  Whether the student has a particular category of disability as described in this article;

 (b)  The present levels of academic achievement and related developmental needs of the student; and

 (c)  Whether the student needs special education and related services.

 The school district shall administer assessments and any other evaluation materials as may be needed to produce the data required to make the determinations listed in subdivision (2) of this section. If no additional data are needed to make the determinations listed in subdivision (2) of this section, the school district shall notify the student's parents of this fact and the reasons for this decision. The group described in this section may conduct its review without a meeting.

 **Source:** 26 SDR 150, effective May 22, 2000; 33 SDR 236, effective July 5, 2007; 36 SDR 96, effective December 8, 2009.

 **General Authority:** SDCL 13-37-1.1.

 **Law Implemented:** SDCL 13-37-1.1.