



Technical Assistance: Child Find and Evaluation

Updated January 2024

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Welcome Letter

Dear Fellow Texas Educators,

Thank you for your service and dedication to all students in the Lone Star state! As a committed stakeholder in public education, you are charged with preparing all students for success in college, a career, or the military by providing students access to high-quality learning experiences, curriculum, and instruction.

The Texas Education Agency (TEA) Division of Special Education Programs is developing a series of [technical assistance guidance documents](#). These technical assistance guides are intended for use by Texas educators to support the implementation of services for students with or suspected of having disabilities.

There is so much useful information out there for school staff! Our goal with these guides is to gather and link information into one, easy-to-read resource. These guides help clarify TEA's recommendations for practice.

- While you can read the documents from beginning to end, you do not have to use them that way. The table of contents links each section, so you can click to skip directly to that area.
- There is also a resource page that provides links to the Texas SPED Support website, the TEA Special Education webpage, and other key state-level resources.

For a glossary of special education terms, please see: [The Legal Framework Glossary.](#)

If you ever have a question, concern, comment, suggestion, or find a broken link within these documents, please email the TEA Special Education Division at sped@tea.texas.gov.

Again, thank you for all you do, and we hope this document helps you in your journey of serving our students with disabilities and their families.

Sincerely,

The TEA Division of Special Education Programs, Technical Assistance Team

The Texas Education Agency has developed this document to provide technical assistance to local education agencies and parents. The intention of this document is to provide helpful, general information. It does not constitute legal advice nor is it a substitute for consulting with a licensed attorney. The information should not be relied upon as a comprehensive or definitive response to a specific legal situation. This document may not include a complete rendition of federal law.

Guidance Document Terms, Key, and Revisions:

Terms:

“Parent or parents”:

Throughout this guide when the term “parent or parents” is used, the term includes the definition aligned to [34 CFR § 300.30](#). That definition includes biological or adoptive parent, foster parent, guardian, an individual acting in the place of a biological parent with whom the child lives or is legally responsible for the child’s welfare, or a surrogate parent as defined in [34 CFR § 300.519](#).

“A student identified as emergent bilingual” or “emergent bilingual”

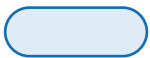
The federal language currently used to describe students as Limited English Proficient or English Language Learner is different from Texas regulations and language, which uses “a student identified as emergent bilingual” or Emergent Bilingual (EB). Throughout this guide the term “a student identified as emergent bilingual” or “emergent bilingual” will be used. The federal language currently used to describe students as Limited English Proficient or English Language Learner is different from Texas regulations and language, which uses “a student identified as emergent bilingual” or Emergent Bilingual (EB). Throughout this guide the term “a student identified as emergent bilingual or emergent bilingual” will be used.

Key:

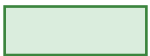
Included in the guide are requirements, links to resources, best practice tips, examples, and more. The following information will help you navigate the technical assistance guides:



- ▶ **NOTE:** “Notes” point out important reminders or considerations.



- ▶ **Best Practice Tips:** are highlighted with blue rectangle.



- ▶ **Tips for Working with Families:** are highlighted with green rectangle.



- ▶ **Changes/Updates:** Information that has been changed or updated since the last release.



- ▶ **New/Added:** Information that is new or has been added since the last release.

[links](#)

- ▶ **Informational Links:** Links that are in lowercase will take you to a related website, resource, or document that supports the information which you are reading.

[LINKS](#)

- ▶ **Legal Citation Links:** Links that use all capital letters will take you to a legal citation and definition.

[RESOURCES](#)

- ▶ **RESOURCES:** Various resources are linked within each section. All resources are provided in a categorized list at the end of the guide.

Revisions:

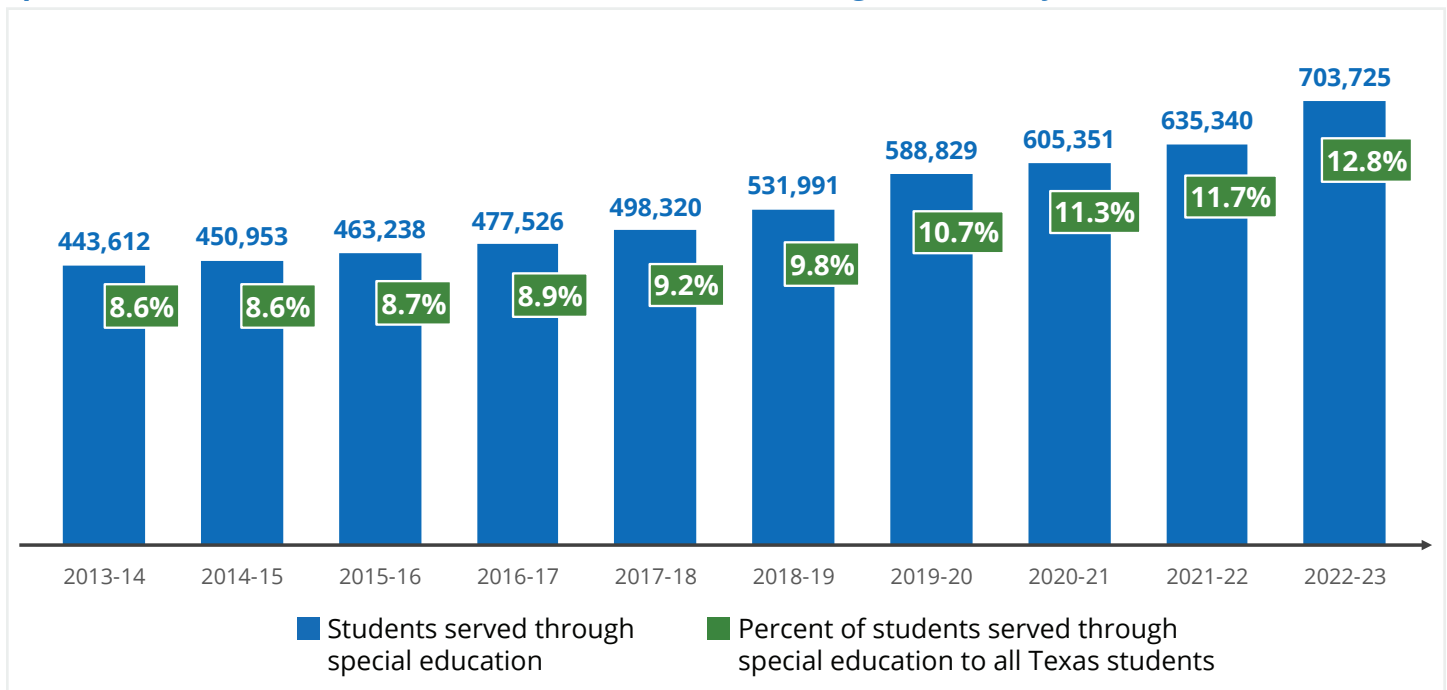
In addition to the changes/updates and new/added icons above, as each guide is updated, the following global revisions are also made:

- Broken links repaired, including updated Legal Framework and Texas SPED Support hyperlinks
- Updated Table of Contents, Welcome Letter, and added Guidance Document Terms, Key, and Revisions section
- Added additional resources to the “Resources” section and reorganized them into a list by category
- Made minor changes throughout the document to correct copyedit errors
- Deleted any outdated or irrelevant information
- Updated graphics throughout the guide

Child Find and Evaluation Overview

The Texas Education Agency (TEA) is providing this guidance to assist LEAs in meeting their obligations under state and federal laws and regulations regarding the responsibility to identify, locate, and evaluate all children suspected of having a disability and who are in need of special education and related services, commonly referred to as the Child Find obligation. To ensure that all children who may need special education and related services are identified, it is important that LEAs establish and implement continuing efforts to seek out these children and inform the public of services available to children and families. This guidance is intended to serve as a resource for professionals who serve in a range of roles in schools across the state as they design and implement Child Find policies, procedures, and practices. The following graph shows that special education identification in Texas continues to see growth each year.

Special education identification in Texas continues to see growth each year.



Source data: from a. Speced_dis_student23f by unique studentid total is and Windham submission. Dataset was collected as Enrollment in Oct Fall, 2022.

Child Find Overview

- Child Find refers to the federal requirement under the Individuals with Disabilities Education Act (IDEA) that all children in need of special education services are identified, located, and evaluated.
- LEAs are responsible for conducting Child Find and identifying all IDEA-eligible students that reside in their jurisdiction.
- Child Find is not a passive activity, but rather an active process.

All students in need of special education and related services are **identified, located, and evaluated.**

Evaluation Overview

- Whether it is a full and individual initial evaluation (FIIE) or a reevaluation, evaluation is a data-gathering process.
- The evaluation must be comprehensive and use a variety of assessment tools, sources of information, and strategies.
- The evaluation is completed by a multi-disciplinary team (MDT).

Evaluation Purpose

- Evaluation provides information to assist in determining:
 - whether the student has a disability;
 - the need for specially designed instruction and related services; and
 - the need for evidence-based interventions and how to monitor the student's progress.
- Evaluation provides much of the information for drafting present levels of academic achievement and functional performance (PLAAFP), goals, objectives, modifications, and accommodations in the Admission, Review and Dismissal (ARD) committee meeting.



Technical Assistance for Child Find, Evaluation, and ARD Supports

TEA has a variety of resources and trainings designed to assist LEAs with implementing effective Child Find practices, conducting comprehensive evaluations, and practicing collaborative ARD processes. The [Texas Sped Support \(TSS\) website](#) contains a wealth of resources and formation on these topics.

Referral for Possible Special Education and Related Services

Child Find: Federal Mandate under IDEA

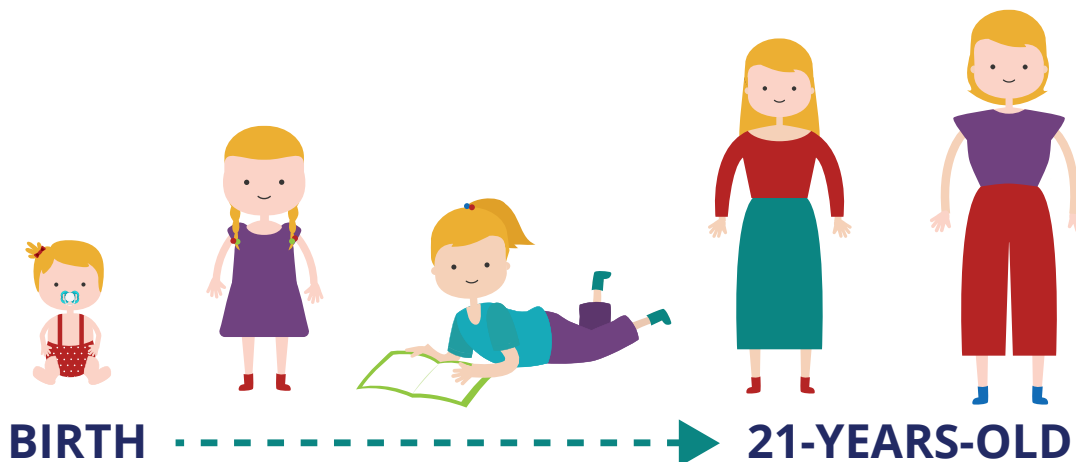
- [CHILD FIND](#) is the affirmative, ongoing obligation of LEAs to identify, locate and evaluate all children with disabilities residing within their jurisdictions who need special education and related services.
- A local education agency (LEA) may not take a passive approach and wait for others to refer students for special education services. The LEA must seek out IDEA eligible students.

Who is Covered under Child Find?

Every child, from birth through age 21, is covered by Child Find. Two important pieces of IDEA address school-aged children (3 through age 21), often referred to as Part B, and infants and toddlers (0 through age 2), often referred to as Part C. In Texas, the Child Find requirements for Part C are administered by the Texas Health and Human Services Commission, as the Commission runs the state's [Early Childhood Intervention \(ECI\) program](#). Individual LEAs, then, are responsible for administering Child Find requirements for Part B in their own jurisdictions, with TEA serving as the required state educational agency overseeing the efforts. However, LEAs do become involved in Child Find efforts for children 0 through age 2 because state law extends state education funding for those who are identified as deaf or hard of hearing (DHH), deaf-blind (DB), or who have a visual impairment (VI). LEAs should also keep the following in mind as well, since they are also covered under Child Find.

Every child from birth to age 21, including:

- Infants (Ages 0 through age 2 years) who may be DHH, DB, or have a VI.



- Students, including those who are homeschooled or [IN PRIVATE SCHOOLS](#)
- Students who are suspected of having a disability, even though advancing from grade to grade
- Students identified as gifted/talented but are suspected of having a disability and needing special education and related services
- Children who might be underserved:
 - Homeless
 - Highly mobile, including migrant
 - In foster care (may be wards of the state)
 - Involved in the criminal justice system
 - Reside in residential placements and/or nursing homes



Who Can Make a Referral for Special Education?

Parent Referrals

The student's parent or legal guardian, school personnel, or another person involved in the education or care of the student can make a referral for special education. An LEA may not deny a referral or delay an initial evaluation because pre-referral interventions have not been implemented with a student. If a parent makes a written request to the LEA's special education director or to an LEA administrative employee for an initial evaluation for special education and related services:



Student's Parents or
Legal Guardian



School Personnel



Another Person Involved
in the Education or Care
of the Student



- The LEA must respond no later than **15 SCHOOL DAYS** after receiving the request.
- The written request must be made to the LEA's special education director or to an LEA administrative employee for the 15-school day response requirement to apply.
- The written request can be made in a language other than English.
- At that time, the LEA must give the parent a prior written notice (PWN) of whether it agrees or refuses to evaluate the student, along with a copy of [Notice of Procedural Safeguards \(NPS\)](#).
- If the LEA agrees to evaluate the student, it must also give the parent the opportunity to give written consent for the evaluation.



NOTE:

- A request for a special education evaluation may be made verbally and is not required to be in writing. A verbal request does not require the LEA to respond within the 15-school day timeline.
- When requests are made verbally, LEAs must still comply with all federal PWN and procedural safeguard requirements.



Best Practice:

LEAs are encouraged to respond to all verbal requests for evaluation within 15 school days. It is best practice to ask someone who is making a verbal request to place the request in writing.

+ Annual Right to Information Statement

All LEAs must distribute written information to every enrolled student's family regarding IDEA's Child Find and Free Appropriate Public Education (FAPE) requirements to inform them of the options and requirements for helping students who have learning difficulties or who need, or may need, special education services. This statement is typically included in the LEA's [Student Handbook](#) or may be provided by another means as long as it is provided in writing each year.

+ Support Services Available to All Students

If a student who is not receiving special education services receives assistance from the LEA for learning difficulties, the LEA must notify the parent that it is providing this assistance to the student. The notification must be provided when the LEA begins providing the assistance and must also be provided [EACH SCHOOL YEAR](#). Students having trouble in the general education classroom should be considered for all support services available to all students, such as:

- Tutorial services
- Remedial services
- Compensatory services
- Multi-Tiered Systems of Support (MTSS), or other intervention programs
- Other academic or behavior support services




Multi-Tiered Systems of Support (MTSS)

[MTSS](#) is a school-wide framework that is meant to provide varying levels of support to meet the academic, behavioral, and social/emotional needs of students. MTSS includes the term response to intervention (RtI) for academics and/or behavior and other early intervention strategies. TEA has various resources and trainings about MTSS available at the [TSS website](#).

Do Not Delay or Deny

An LEA may not deny a referral or delay an initial evaluation because MTSS or other interventions have not been implemented with a student. If there is a basis for suspecting the student has a disability and needs special education, the student must be referred for an evaluation regardless of whether he or she has participated in an intervention program.



- +  **NOTE:** The Office of Special Education Programs issued a letter and two memos regarding denying or delaying a special education initial evaluation.

“(An) MTSS/RTI (approach) may not be used to delay or deny a full and individual evaluation under [34 CFR §300.304-300.311](#) for a child suspected of having a disability. With respect to preschool children, IDEA does not require or encourage a local or preschool program to use a MTSS approach prior to referral for evaluation or as part of determining whether a 3-, 4-, or 5-year-old is eligible for special education and related services. Once an LEA receives a referral from a preschool program, the LEA must initiate an evaluation process to determine if the child is a child with a disability.

Please note that the content of these memoranda reflects IDEA statutory and regulatory requirements.

- [OSEP Memorandum 11-07](#)--A Response to Intervention (RTI) Process Cannot Be Used to Delay-Deny an Evaluation for Eligibility under the Individuals with Disabilities Education Act (IDEA) (January 21, 2011); and
- [OSEP Memorandum 16-07](#)--A Response to Intervention Process Cannot be Used to Delay-Deny an Evaluation for Preschool Education Services under the Individuals with Disabilities Education Act (April 29, 2016). "

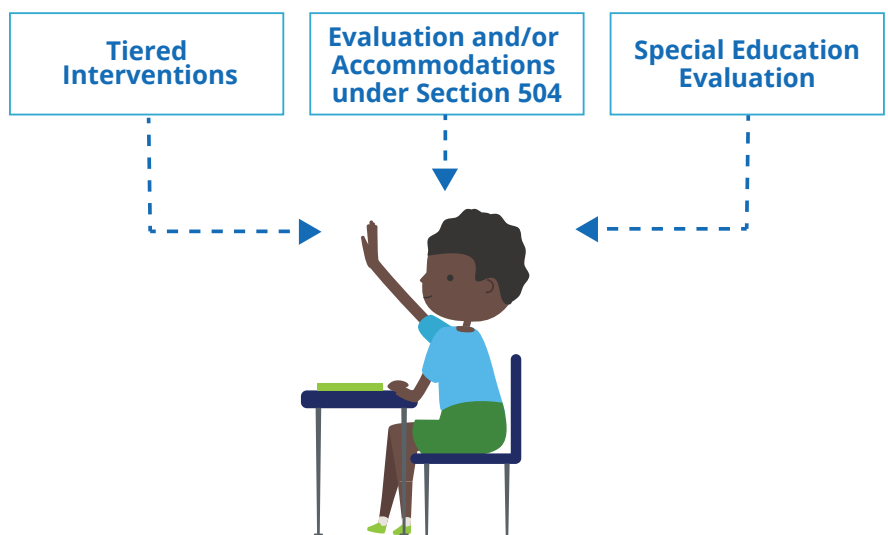
Circumstances that May Indicate the Need for Evaluation (not an exhaustive list)

Multiple data sources must be considered, and the cumulative impact may rise to the level of suspecting a disability and need for special education services.

- Lack of expected gains during intervention progress monitoring
- Hospitalization
- More substantial supports needed as general education curriculum becomes more difficult
- Interfering behaviors and/or discipline referrals
- Outside evaluation/diagnosis provided by a parent
- Parental concerns regarding child's struggles
- Outside therapeutic services or tutoring
- Gap between expected academic growth and actual growth
- Chronic absenteeism
- Section 504 services not sufficient to address student needs

Making Data-based Decisions

- When making data-based decisions it is important to gather and systematically analyze information about students.
- **Consider:**
 - **Tiered Interventions**
 - **Evaluation for Services and/or Accommodations under Section 504**
 - **Special Education Evaluation**



These considerations are NOT sequential processes. They should be simultaneous considerations.

CHILD FIND AND EVALUATION

Knowledge or suspicion of a disability alone does not automatically trigger the need to refer a student for special education. The knowledge must be in addition to a reasonable suspicion that, because of the disability or suspected disability, the student may need special education and related services.

REMINDER

Two questions must be answered:

Is there a reason to suspect that the student has a disability?



Is there a reason to suspect that because of the disability the student needs special education and related services?

If "Yes" to both questions, refer the student for an FIIE.

Children Who Transfer

- If a child is in the process of being evaluated for special education eligibility and enrolls in a new LEA before the evaluation is completed, the new LEA **MUST** coordinate with the previous LEA to ensure prompt completion of the initial evaluation.
- If the child transfers from another LEA when an initial evaluation is pending, the timelines for conducting the evaluation apply to the new LEA unless:



- The new LEA is making sufficient progress to ensure a prompt completion of the evaluation; and
- The parent and the new LEA agree to a specific time when the evaluation will be completed.

Best Practice Tips:

- Provide Child Find orientation, training, and support for all campus staff.
- Identify factors that could trigger the need for referring a student for special education services.
- Coordinate and collaborate between general and special educators on effective instruction and evidence-based interventions.
- Establish training and a system that makes documentation easy, practical and automatic for staff, from Child Find through progress monitoring.

ADDITIONAL RESOURCES:

[TEA course: Child Find Duty - Everyone's Responsibility](#)

[Child Find Duty Quick Guide](#)

Age Ranges for Eligibility

Another responsibility of the LEA is to coordinate with other agencies, such as Early Childhood Intervention (ECI) programs. The LEA will ensure that a FAPE is made available to all eligible children with disabilities ages 3 through 21 under Part B of the Individuals with Disabilities Education Act (IDEA). A child can be referred to an early childhood intervention (ECI) agency beginning at birth through IDEA Part C.



Birth Through Age Two

The LEA and the local ECI contractor have developed a coordinated Child Find system. Both the ECI and the LEA have policies and procedures in effect to identify, locate, and evaluate children who need early intervention or special education services.

Early Childhood Intervention (ECI)

The Texas Health and Human Services Commission is the lead state agency for ECI. The following services are provided with no out-of-pocket payment from the parent: child find, evaluation and assessment; development of the Individualized Family Service Plan (IFSP); services to children with VI or who are DHH, including children with DB; case management; translation and interpreter services; and administrative and coordination activities related to the implementation of procedural safeguards and other components of the statewide system of early childhood intervention services.

It is important for families to know that a medical diagnosis or a doctor's referral is not needed to make a referral to ECI. **Anyone involved with the child – family members, caregivers, teachers, doctors, or friends – may make a referral.**

Family Members
& Care Givers

Teachers

Doctors

Friends

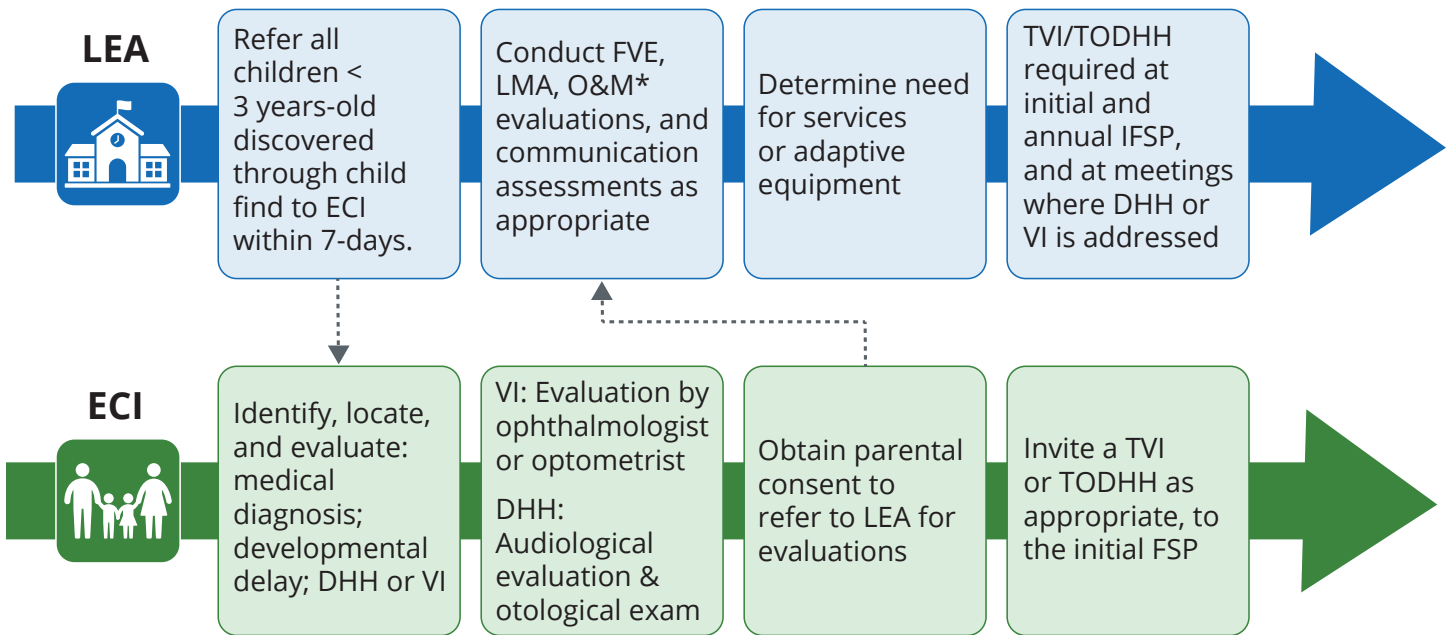


Anyone involved with the child may make a referral.



Sensory Impairments Birth Through Age 2

When a child from birth through age 2 with a suspected or documented VI is referred to an early intervention team, the LEA's teacher of students with visual impairment (TVI), and certified orientation & mobility specialist (COMS) are considered members of the interdisciplinary team. When a child from birth through age 2 with a suspected or documented hearing loss is referred to an early intervention team, the LEA's teacher of the deaf or hard of hearing (TODHH) is considered a member of this interdisciplinary team. Parental consent is required for ECI and the LEA to share information. With parental consent, a TVI or TODHH may be consulted for ways to obtain the required medical documentation leading to a full referral. Consultation may include phone calls, emails and/or home visits, if necessary. ECI must provide case management services for students with visual impairments or who are deaf or hard of hearing. An IFSP meeting will be held in place of an admission, review, and dismissal (ARD) committee meeting.



*Functional Vision Evaluation, Learning Media Assessment, Orientation and Mobility

Transition From IDEA-C ECI to IDEA-B Early Childhood Special Education (ECSE) Programs

At age three, children with disabilities may become eligible for special education services from an LEA. Not all children who receive ECI services qualify for services provided by an LEA. Therefore, at least 90 calendar days before a toddler receiving ECI services turns three years old, a meeting will be scheduled to help the family transition from ECI services to special education services, if appropriate. If the child qualifies for special education services, those services must be made available to the child on his or her third birthday.

- + IDEA requires a smooth and effective transition from one system to the next for children who receive services in ECI LEA Part C and are potentially eligible for Part B services. Both programs must work together in order to meet the IDEA requirement for public schools to develop and implement the Individualized Education Program (IEP) for each child that is eligible by his or her third birthday.

+ **Ages 3 through 5**

A child between the ages of 3 through 5 can be considered for any disability category. If the child meets eligibility criteria for an intellectual disability, an emotional disturbance, a specific learning disability, or autism, he or she may be eligible for special education services based on the [NONCATEGORICAL EARLY CHILDHOOD \(NCEC\)](#) disability category. Children who are eligible based on the NCEC category must be reevaluated prior to their sixth birthday to determine continued eligibility for special education services. The NCEC category cannot be used once the child turns six years old.

Child Find is designed to identify developmental delays in children aged 3 to 5 within the public school system. If a young child isn't meeting typical developmental milestones or if there are concerns about their growth or learning, a referral can be made to Child Find. Starting at age three, the responsibility for the Child Find process falls on local school districts, who collaborate closely with families to address their concerns and ensure the child's educational needs are met. This may involve gathering information from families and reviewing previous developmental screenings, conducting screenings, or completing evaluations. The primary aim is to determine if there is an educational disability requiring special education and related services to support the child's progress in preschool. It's important to note that Child Find services are provided to families at no cost.



🕒 **Early Childhood Intervention Memorandum of Understanding**

A Memorandum of Understanding or MOU is a document that describes the broad outlines of an agreement that two or more parties have reached. The Texas Health and Human Services Commission (HHSC) and the TEA created an [MOU](#) with the purpose to:

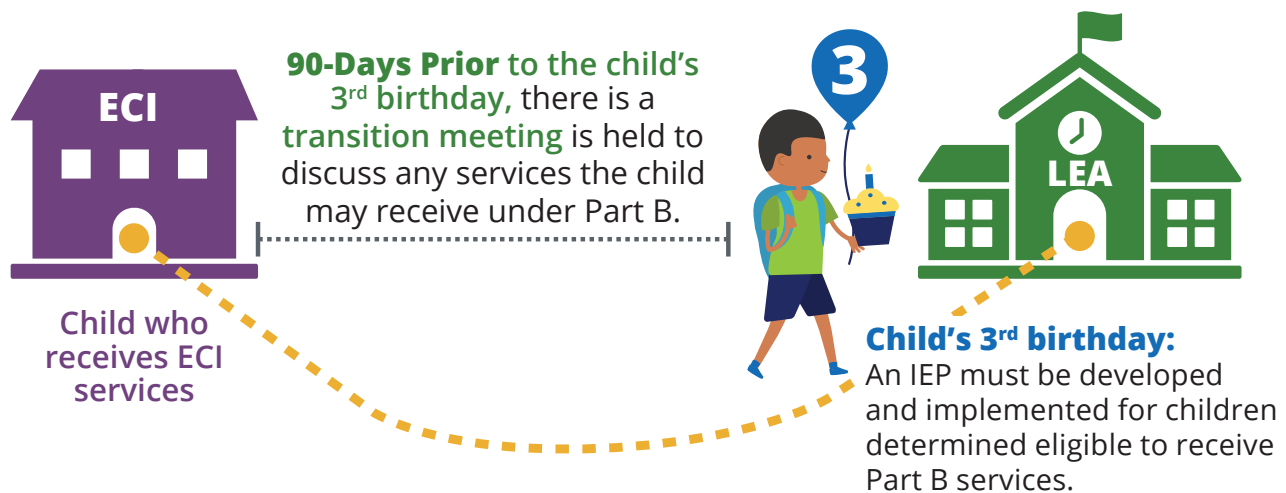
- define roles and responsibilities between the HHSC and TEA within the respective federal and state mandates
- enhance interagency collaboration and relationships; and
- coordinate an effective system of activities, policies, and procedures between TEA and ECI which guide and support the development and implementation of transition services for families of children with disabilities who are approaching age three.



CHILD FIND AND EVALUATION

For the child who may be eligible for early childhood special education services (ECSE), with the approval of the child's family, a transition conference among ECI, the family, and the LEA will be held. This meeting will occur at least 90 days, and not more than nine months, before the child's third birthday to discuss any services the child may receive under IDEA-B.

In the case of the child who was previously served under IDEA-C, at the request of the parent, the LEA will invite the IDEA-C service coordinator or other ECI representatives to the initial ARD committee meeting to assist with the smooth transition of services.



ADDITIONAL RESOURCES:

[A Guide to Early Transitions in Texas](#)

[Beyond ECI](#)

[ECI Transition Flowchart](#)

Evaluation Procedures

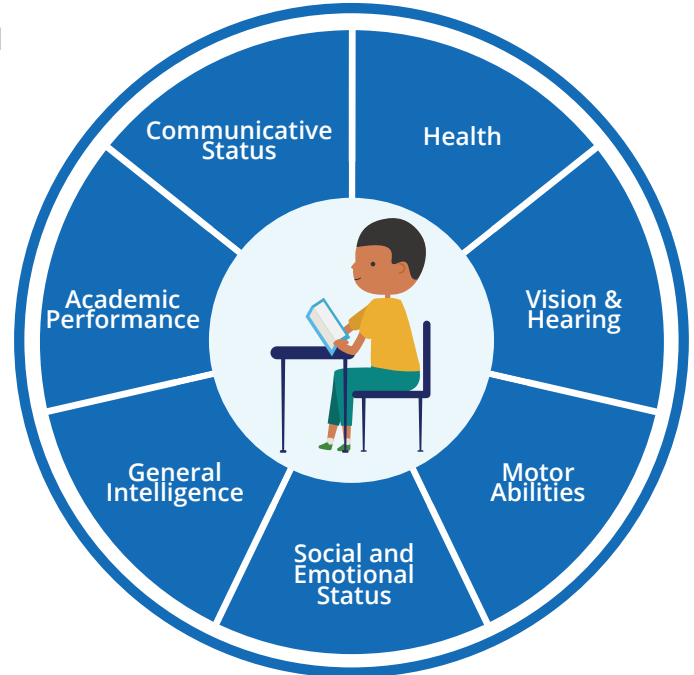
When conducting the full and individual initial evaluation (FIIE), the LEA must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, including information provided by the parent, that may assist in determining:

- Whether the child is a child with a disability in need of special education services; and
- The content of the child's individualized education program (IEP), including information related to enabling the child to be involved in and progress in the general education curriculum, or for the preschool child, to participate in appropriate activities.



Components of a Comprehensive Evaluation – A Data-Gathering Process

- Review existing relevant evaluations and data and determine what additional data are needed
- May not use any single measure or assessment as the sole criterion
- Must evaluate the child in all areas related to the suspected disability
- Must use technically sound instruments that are:
 - Racially and culturally fair, administered in native language
 - Used for purposes for which they are reliable and valid
 - Administered as designed by trained and knowledgeable personnel
 - Tailored to area of educational need, adapted to physical and sensory disabilities
- Data in the FIEE directly assist the ARD committee in determining the educational needs of the child
- The evaluation must be sufficiently comprehensive to identify the child's special education and related service needs, whether or not commonly linked to the identified disability category (Interventions may be provided that reflect the child's individual needs regardless of the eligibility category).



Evaluation Considerations

- **Least Restrictive Environment (LRE):** The evaluation must include information related to enabling the child to be involved in and progress in the general curriculum, or for a preschool child, to participate in appropriate activities.
- **Input data:** The evaluation must include all existing evaluation data, classroom observations, and information provided by teachers and families.
- 🔄 ■ **Independent or Private Evaluations:** Private or independent evaluations that parents share with schools must be considered. Information from these evaluations can help determine, what, if any additional data is needed to determine eligibility and , if appropriate, develop an IEP.
- **Medical diagnosis:** The identification of the disability itself is just one of the two main elements of an evaluation. The identification of a resulting need for special education and related services is the other. A medical diagnosis is only needed for certain disability conditions and may not address the need for special education services.
- **Language difference vs. disability:** The LEA administers assessments that differentiate between language proficiency and disability.

Investigating the Need for Special Education and Related Services

- When reviewing existing data, the evaluation team will report academic progress in the evaluation. While academic progress may indicate a child's need for special education services, academic progress alone is not the determinative factor. The evaluation should draw upon information from a variety of sources to make an eligibility recommendation.
- The evaluation should consider the supports a student is already receiving when making recommendations whether he or she requires special education. Data that shows a student is progressing towards closing the achievement gap with general education interventions is an indicator that he or she may not require special education.



Best Practice Tips

- Address in Special Education Operating Procedures local timelines for obtaining parent consent for evaluation after an LEA makes a special education referral or an oral parent request is made. (Remember: written parent requests to certain LEA personnel require a response within 15 school days.)
- Train evaluation staff about when parent consent is needed. Emphasize the difference between reviewing “existing data” and data used for focusing on the eligibility or educational and behavioral needs of a specific child.
- Encourage parents to actively participate in the evaluation process.
- Ask: “Does the data from parent information, school-based information and standardized assessment support the recommendations?” To ensure multiple sources of data from a variety of settings are used.
- Carefully review written evaluation reports from outside the LEA and outside the state of Texas. Check that federal requirements for all evaluations are met. Check for state requirements that are unique to Texas.

Evaluation Requirements

Review of Existing Evaluation Data Requirements

A [REVIEW OF EXISTING EVALUATION DATA](#) (REED) is the **process of looking at a student's existing data** to determine if additional data are needed as part of an FIIE, if appropriate, or as part of a reevaluation. A REED helps schools decide whether current information about a child can be used to determine a child's eligibility for special education.

A REED may be a part of an initial evaluation (if appropriate).

Examples of situations where a REED is appropriate:

- The parent of a child brings in an outside evaluation from a professional and the members of admission, review and dismissal (ARD) committee review this information to determine if additional evaluation by LEA personnel is needed.

CHILD FIND AND EVALUATION

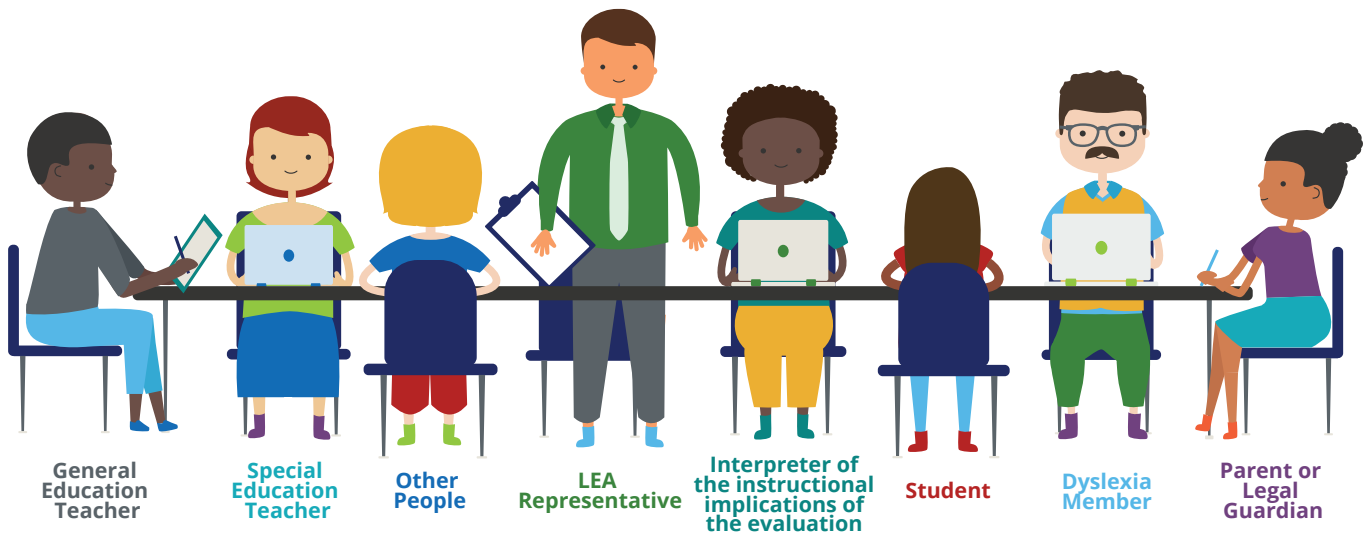
- A child attends a private preschool and the parent requests an evaluation. The members of the ARD committee meet to determine what data is available and what information is needed to complete the evaluation.

Best Practice Tip

It is best practice to collect and review all existing evaluation data on a child before beginning an initial evaluation to assist in determining eligibility.

+ NOTE:

The REED must be conducted by the members of the student's ARD committee, and others as appropriate. The members review the student's existing evaluation data to determine the scope of the evaluation. This review process does not have to take place in an ARD committee meeting. Prior to the REED, the LEA must issue to parents the prior written notice (PWN) (see next section) of its proposal to conduct an evaluation, a copy of the Notice of Procedural Safeguards (NPS), and the opportunity to consent to the evaluation [19 TAC §89.1011(b)(1)], or when the LEA issues to parents the PWN of its refusal to conduct an evaluation and a copy of the NPS [19 TAC §89.1011(b)(2)].



The REED Process Must Include

When the members of an ARD committee conduct a REED, the process must include:

Previous Evaluations:

Can be one or more evaluations

Evaluations and Information Provided by Parents:

e.g. Information from early childhood programs, outside evaluations, medical reports

Teacher Information:

e.g. Grades and attendance records - if possible, from multiple teachers

Classroom Based, Local, and State Assessments:

e.g. Intervention information and progress monitoring data, discipline reports, STAAR



NOTE:

The committee members must ensure that information obtained from these sources is documented and carefully considered.

Based on the REED, the group of qualified professionals which includes the parent, must determine what additional data, if any, are needed to determine whether the child is a child with a disability and the educational needs of the child.

Tips for Working with Families:

- Provide families with organized copies of all documents for their records.
- Ensure that parents and families are meaningfully included in the REED process.
- Explain to parents about the types of assessments and tests that will be used.
- Keep open lines of communication and encourage parents to ask questions throughout the process.



Prior Written Notice (PWN)

The special education regulations require that parents receive [PWN](#) at least five school days (unless the parent agrees to a shorter timeframe) before the LEA proposes or refuses to:

- Initiate or change the evaluation
- Initiate or change a student's identification
- Initiate or change the educational placement
- Initiate or change provision of a FAPE
- Cease the provision of special education and related services due to the parent's revocation of consent for services
- + ■ The LEA must inform the child's parents in writing if it proposes to evaluate the child for possible special education eligibility and services. The PWN must include, among other things, a statement of the parent rights, whom they should contact at the LEA for information, and the steps the district proposes or refuses to take.
- Child Find does not require schools to agree to conduct an FIE for every child. If a school does not agree with a request to conduct an FIE, it must provide PWN and explain why it refuses to evaluate.
- If the LEA proposes to conduct an evaluation, it must also include in the PWN a description of any evaluation procedure it proposes.
- The notice must be written in language that is understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent.
- The LEA should include a copy of the PWN in the student's education record.





NOTE: When dyslexia is suspected, the LEA must distribute the [Overview of Special Education for Parents Form](#) when the LEA issues to parents the PWN of its proposal to conduct an evaluation, a copy of the NPS, and the opportunity to consent to the evaluation [\[19 TAC §89.1011\(b\)\(1\)\]](#), or when the LEA issues to parents the PWN of its refusal to conduct an evaluation and a copy of the NPS [\[19 TAC §89.1011\(b\)\(2\)\]](#);

- TEA expects LEAs to incorporate the distribution of this form in the same circumstances as above to every parent, regardless of the disability that is suspected.
- Parents need to be asked to acknowledge receipt of the form by signing and dating the last page. Each LEA will need to retain evidence of the parent's signature or documentation that the parent refused to provide a signature.

The Seven Elements of Prior Written Notice:

- 1 Description of the action that the LEA proposes or refuses to take.
- 2 Explanation of why the LEA is proposing or refusing to take the action.
- 3 Description of each evaluation procedure, assessment, record or report the LEA used as a basis for the proposal or refusal.
- 4 A statement that the parent(s) of a child with a disability have protection under the procedural safeguards and if the PWN is not an initial referral for evaluation, an explanation of how a copy of the NPS may be obtained.
- 5 Resources for the parent to contact for help in understanding the IDEA and the related federal and Texas special education regulations.
- 6 Description of any other options that the team considered and the reasons why those options were rejected.
- 7 Description of any other factors that are relevant to the LEA proposal or refusal.

Consent for Initial Evaluation



When is consent required?

The LEA must obtain informed consent from the parent **before** conducting an initial evaluation.

The *informed consent* that LEA must obtain to conduct an initial evaluation means:

- The parent has been fully informed of all information relevant to the initial evaluation in the parent's native language or other mode of communication.
- The parent understands and agrees in writing to the LEA carrying out the initial evaluation and the consent describes the initial evaluation and lists the records, if any, that will be released and to whom.
- The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.
- If the parent revokes consent, that revocation is not retroactive; therefore, it does not negate an action that has occurred after the consent was given and before the consent was revoked.

Signature



NOTE:

Parent consent is **not** required when:

- Reviewing existing data as part of the evaluation or reevaluation, or
- Administering a test or other evaluation administered to all children, unless parent consent is required for all children.



Parent consent **is** required prior to an initial evaluation even when part of a REED.

+ Counting Five School Days

When counting school days, do not include the day the notice of action (PWN) was sent as part of the five school days.

- Document the date the parent signed the consent.
- Document the date the LEA received the signed consent.
- Identify the date of the first instructional day after the LEA received the signed, written consent form from the child's parent.
- Use the first instructional day following the date on which the LEA received written consent to count days for the completion of the initial evaluation.
- See [SPP 11: Child Find \(Timely Initial Evaluation\) Frequently Asked Questions \(FAQs\)](#) for more information.



ADDITIONAL RESOURCES:

[Prior Written Notice Quick Guide](#)

[Prior Written Notice – Legal Requirements and Best Practices \(video\)](#)

[Informed Consent for Evaluation and Services Quick Guide](#)

[TSDS Child Find: Parental Consent Date Guidance \(updated 7/18/2022\)](#)

[Student Data Review Guide When Considering a Referral to Special Education and Summary of Responses Tools](#)

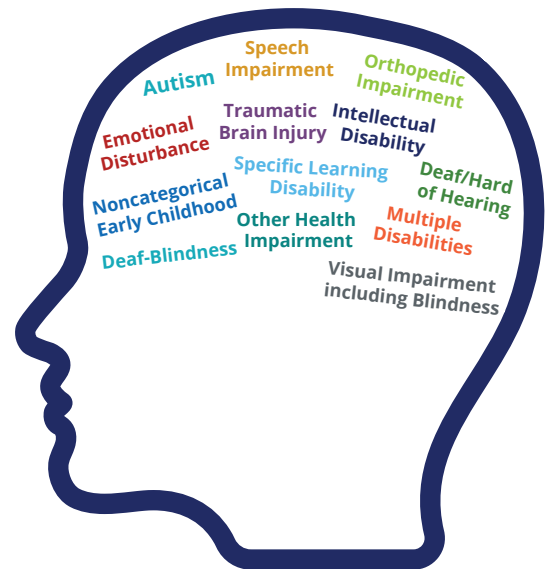
Thirteen Disabilities Identified Under IDEA

- 🕒 In Texas, there are 13 different disability categories under which children ages 3 through 21 may be eligible for special education services. Children who are DHH, DB, or have VI may be eligible to receive services from their LEA at birth.

? Who decides if a child is eligible for special education and related services?

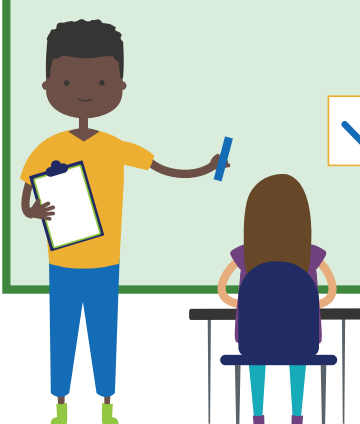
In Texas, the admission review and dismissal committee (ARD committee) makes the eligibility determination and decides the eligibility category.

To determine if a child is eligible for special education and related services under one of the 13 disability categories, an individualized evaluation, or assessment, of the child must be conducted. This evaluation is the [FULL INDIVIDUAL AND INITIAL EVALUATION](#).



CHILD FIND AND EVALUATION

There is a two-part test for determining whether a child is eligible for special education and related services.



A child is eligible to receive special education and/or related services if the child:

- Is determined to have a disability
- As a result of the disability, needs special education and related services



NOTE:

To meet the definition (and eligibility for special education and related services) as a [CHILD WITH A DISABILITY](#), the child must demonstrate an educational need for special education services.

To meet the first part of the two-part test for eligibility, a child must meet the criteria for one or more of the disability conditions defined below:

1. Autism (AU)

A developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, that adversely affects a child's educational performance. Other characteristics often associated with autism are:

- engagement in repetitive activities and stereotyped movements
- resistance to environmental change or change in daily routines and;
- unusual responses to sensory experiences.

The term autism does not apply if the child's educational performance is adversely affected primarily because the child has an emotional disturbance, as defined in #4 below. A child who shows the characteristics of autism after age 3 could be diagnosed as having autism if the criteria above are satisfied.

2. Deaf or Hard of Hearing (DHH)

Is defined as meeting the criteria of deafness or hearing impairment:

- **Deafness** means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child's educational performance.
- **Hearing impairment** means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance, but that is not included under the definition of deafness in this section.

3. Deaf-Blindness (DB)

Having both hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.

4. Emotional Disturbance (ED)

A condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

- An inability to learn that cannot be explained by intellectual, sensory, or health factors.
- An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
- Inappropriate types of behavior or feelings under normal circumstances.
- A general pervasive mood of unhappiness or depression.
- A tendency to develop physical symptoms or fears associated with personal or school problems.

Emotional disturbance does not apply to a child who is socially maladjusted unless the child also meets the criteria for having an emotional disturbance. Emotional disturbance includes schizophrenia.

5. Intellectual Disability (ID)

Significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance.

6. Multiple Disabilities (MD)

Means two or more impairments occurring at the same time (such as intellectual disability-blindness or intellectual disability-orthopedic impairment) and are expected to continue indefinitely. The combination causes such severe educational needs that it cannot be accommodated in special education programs solely for one of the impairments.

7. Noncategorical Early Childhood (NCEC)

In Texas, a child between the ages of 3 through 5 who is evaluated as having an intellectual disability, an emotional disturbance, a specific learning disability, or autism may be eligible within the noncategorical early childhood category.



NOTE:

Developmental changes often occur in very young children. With early intervention and appropriate services, children may not need special education by the time they reach six years of age. The noncategorical early childhood category allows a child between the ages of 3 through 5 who is evaluated as having an intellectual disability, an emotional disturbance, a specific learning disability, or autism to be described as noncategorical early childhood. Eligibility must be reconsidered before age 6.

8. Orthopedic Impairment (OI)

Means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).

9. Other Health Impairment (OHI)

Means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that –

- is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and
- adversely affects a child's educational performance.



NOTE:

- Evidence that a child has a medical diagnosis alone does not mean the child meets the criteria for special education. Texas regulations have expanded the required members of the multidisciplinary team to include an advanced practice registered nurse in addition to a licensed physician or a physician assistant.
- Medical conditions must meet the criteria of “impairing vitality, strength or alertness” at school causing the need for specially designed instruction to access the curriculum.
- The ARD committee, not a student's medical provider, makes the determination as to whether the student is eligible for special education and related services (although information from a medical provider is required for this eligibility category).

10. Specific Learning Disability (SLD)

A disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken, or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The IDEA recognizes eight areas in which a student may qualify with an SLD. These eight areas include: listening comprehension, oral expression, basic reading skill, reading fluency, reading comprehension, written expression, mathematics calculation, and mathematics problem solving. These are not specific conditions, rather they describe areas where the student does not achieve adequately for his or her age or meet state-approved grade level standards.



Disorders not included - The term does not include a learning problem that is [primarily the result of](#) visual, hearing, or motor disabilities, an intellectual disability, an emotional disturbance, or environmental, cultural, or economic disadvantage. For more information, please review the [Dear Colleague Letter from October 2015](#).

Disorders included - Students identified as having dyslexia or related disorders may be identified through IDEA under the SLD category. Dyslexia is a specific learning disability (SLD). [TEC §29.0031](#) states dyslexia is an example of and meets the definition of a SLD under IDEA. This is in conformity with IDEA's federal regulations at [34 CFR §300.8\(c\)\(10\)](#), which specifically lists dyslexia as an example of an SLD. For more information see the [TEA Dyslexia and Related Disorders webpage](#).



NOTE:

Evaluation for dyslexia is a single pathway for identification under the IDEA. This means that anytime the LEA suspects that the student has dyslexia or related disorders and may need specially designed instruction, the LEA must seek parental consent to evaluate under the IDEA.

11. Speech Impairment (SI)

Means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance.

12. Traumatic Brain Injury (TBI)

Means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance.



NOTE:

- The term applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech.
- The term does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.

13. Visual Impairment (VI) Including Blindness

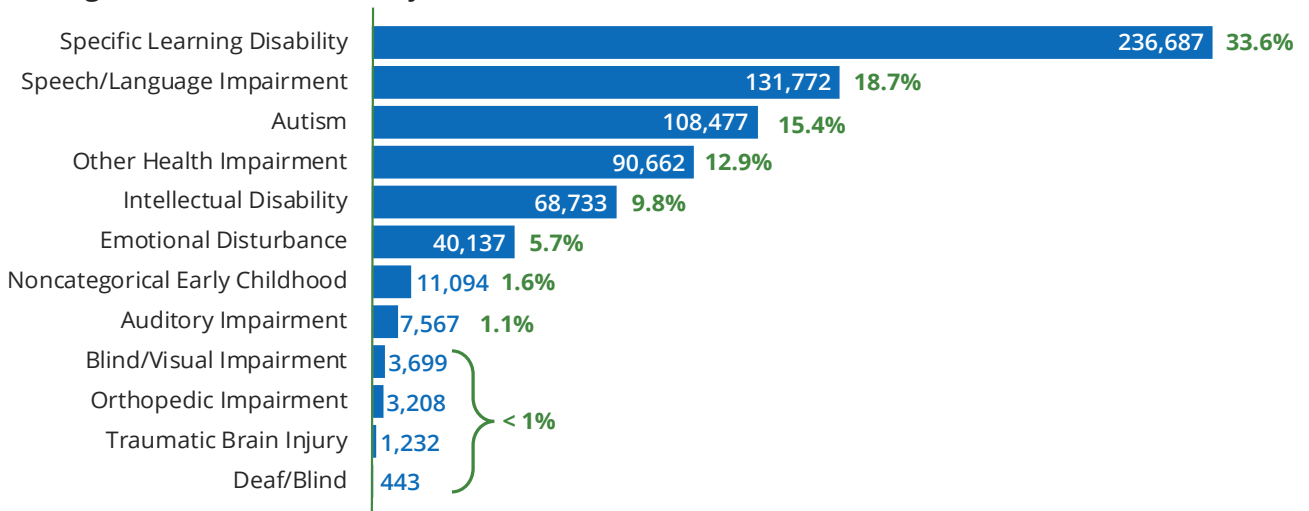
Means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

In Texas, children served within the category of DHH or VI (including DB) are eligible to receive services from birth.



Populations Served:

The following graph shows the number and percentage of Texas students with disabilities by eligibility category during the 2022-2023 school year.



Source data: from a. Speced_dis_student23f by unique student id total and Windham submission. Dataset was collected as Enrollment in Oct Fall, 2022.

ADDITIONAL RESOURCES:

[Deaf and Hard of Hearing Students \(DHH\): Eligibility for Special Education](#)

[Students with Visual Impairments: Eligibility for Special Education](#)

[Guidance for the Comprehensive Evaluation of Specific Learning Disabilities](#)

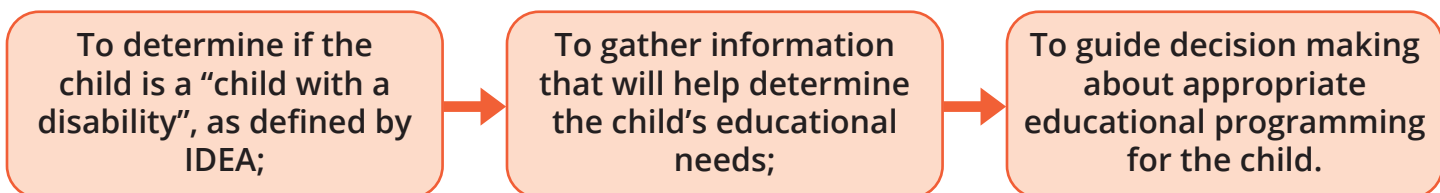
Full and Individual Initial Evaluation (FIE)

The evaluation process establishes a foundation for developing an appropriate educational program for a child. Evaluations assist in determining initial and continued eligibility for special education services, to determine a student's need for special education and related services, and to gather additional information for an Admission, Review and Dismissal (ARD) committee to use when developing or revising an IEP for a child.

When must a child have an FIE?

A child must have an FIE to determine whether he or she has a disability and may be eligible to receive special education services. An FIE must be completed before the provision of any special education or related services to a student.

The purposes of conducting this evaluation are:



NOTE: The LEA must obtain informed [CONSENT](#) from the parent before conducting an initial evaluation. Also,

[PWN](#) must be given to the parents of a child with a disability at least five school days before the public agency proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child, unless the parent agrees to a shorter timeframe.

After obtaining consent for an initial evaluation, the school must conduct an evaluation of the child in all areas of suspected disability to determine if the child has a disability and to determine his or her educational needs.

Tip for Working with Families:

When parents request an evaluation encourage them to put the request in writing, include a date and signature, provide it to a school administrator, and keep a copy.



Evaluation Procedures

Child is identified as possibly needing special education and related services.

PWN is given and parental consent is obtained.

Child is evaluated and written report is completed.

ARD meeting is scheduled and held.*

Eligibility is decided.

If eligible, IEP is written.

*The Parent's Guide to the ARD Process must go to parents at least five school days before the initial ARD.

The evaluation process for the child must:

Include information about the child's academic, developmental, and functional performance.	Be administered by trained and knowledgeable personnel in accordance with standard administration.	Be administered in the child's native language or other mode of communication.	Be unbiased and given in such a way so as not to discriminate against the child.	Be used for the purposes for which the assessments are valid and reliable.
1	2	3	4	5

Timeline



For children ages 3 through 21, the [FIE](#) and resulting report must be completed no later than 45 school days from the day the school receives written consent. However, if the child has been absent from school during the evaluation period on three or more school days, the evaluation period may be extended by the number of school days equal to the number of school days that the child has been absent.

When written consent for evaluation is received with less than 35 school days before the last instructional day of the year, the 45-school day evaluation timeline extends into the following school year.

If a child is under five years of age by September 1 of the school year and not enrolled in public school or is enrolled in a private or home school setting regardless of age, the initial evaluation and the resulting report must be completed no later than 45 school days from the day the school receives written parental consent.

CHILD FIND AND EVALUATION

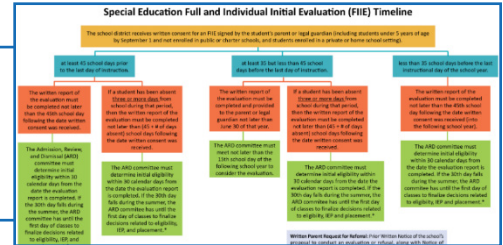


NOTE: There is an additional exception to the 45-school day timeline – If the school receives the written consent for the initial evaluation request at least 35 but less than 45 school days before the last instructional day of the school year, the written report of the FIIE must be completed and provided to the parent by June 30th of that year. However, if the child is absent from school on three or more days during this evaluation period, the June 30th due date no longer applies. Instead, the general timeline of 45 school days plus extensions for absences of three or more days will apply.

If the parent does not consent to the initial evaluation, the school may, but is not required to, pursue the evaluation by asking for mediation or requesting a due process hearing. If the school decides not to pursue the evaluation, the school does not violate the IDEA Child Find duty.



Visit this website to view the PDF of the **Special Education FIIE Timeline**

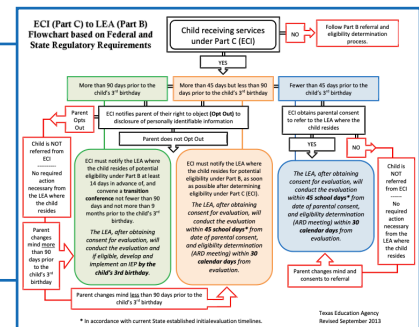


For Children Previously Served in Part C Early Childhood Intervention (ECI) Ages 0 through 2

For children served in ECI, the LEA, after obtaining consent, will conduct an evaluation. If the child meets eligibility requirements, an IEP will be developed and implemented **by the child's third birthday** as required by federal law. The Admission, Review, and Dismissal (ARD) committee will make an eligibility determination at the initial ARD meeting.



Visit this website to view the PDF of the **ECI Transition Flowchart**



Adobe Stock Photo

Reevaluation



WHEN?

When must you conduct a reevaluation?

A reevaluation must be conducted not more often than once a year, unless the parent and the LEA agree otherwise and at least every 3 years, unless the parent and the LEA agree that reevaluation isn't necessary. The reevaluation must be conducted if the LEA determines that a reevaluation is warranted based on the student's educational or related services needs, or if the child's parent or teacher requests one. Additionally, the local educational agency shall evaluate a child with a disability before determining that the child is no longer a child with a disability.

WHO?

Who can request a reevaluation?

Reevaluations may be requested by any member of the ARD committee, including parents and teachers, prior to the triennial due date.

WHAT?

What is a reevaluation process?

A reevaluation includes a review of existing evaluation data (REED), as well as current input from a child's parents and teachers so that a decision can be made regarding continued eligibility or need for further assessments.

A [REVIEW OF EXISTING EVALUATION DATA](#) (REED) is required as part of any reevaluation.

Based on the REED, the ARD committee, which includes the parent, as well as other qualified professionals as appropriate, must determine what additional data, if any, are needed to determine whether the child continues to be a child with a disability and whether the child continues to need special education and/or related services.

Based on the REED, the team must identify any additional data needed to determine:

- Whether the child continues to have a disability;
- Whether the child continues to need special education and related services;
- The present levels of academic achievement and functional performance of the child (PLAAFP); and related developmental needs of the child;
- Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in his or her IEP and to participate, as appropriate, in the general education curriculum.



Additional data not needed:

If the ARD committee determines that no additional data are needed beyond the REED to complete the reevaluation, the LEA must inform the parent in writing of this decision and the reasons for the determination and that the parent has the right to request an assessment to determine whether the child continues to be a child with a disability and to determine the child's educational needs. This is called [PWN](#).

If the parent does not request additional evaluation, the LEA is not required to conduct further evaluation, and the REED may constitute the student's reevaluation. The date of the REED establishes the new three-year anniversary date.



Additional data needed:

Based on the REED, if the ARD committee determine that additional data are needed, the team must indicate what additional data is needed and obtain informed parent consent. To meet federal requirements, the ARD committee members must document what data was reviewed and based on that review, what data is needed.

Then the LEA **must**:

- Notify the parent in writing (PWN);
- Develop an evaluation plan which includes assessment areas and information needed; and
- Obtain informed consent.

When assessments are complete, the ARD committee will convene to review evaluation results and make any necessary eligibility determinations or changes to the child's IEP.

Best Practice Tip

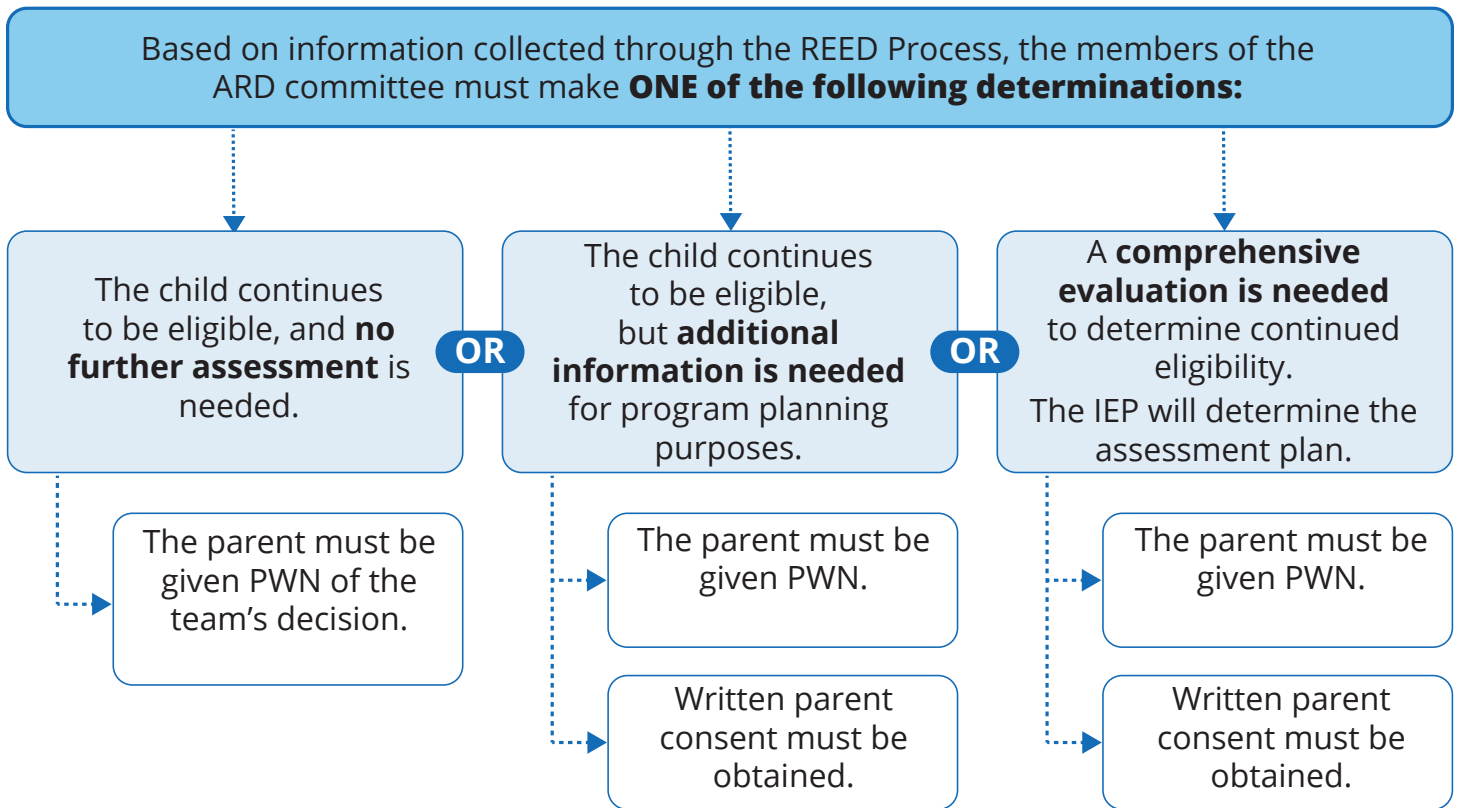
A REED should be completed at least 45 school days before the three-year anniversary date. If additional data is needed, the information must be obtained prior to the reevaluation due date.

Reevaluation Procedures



NOTE:

- The REED must be conducted by the members of the student's ARD committee, and others as appropriate. However, this review process does not have to take place in an ARD committee meeting.
- A REED may or may not lead to additional testing/assessment procedures.
- The LEA must make reasonable efforts to obtain informed consent for a reevaluation. If the parent does not respond, despite reasonable efforts, the reevaluation can proceed.



If the parent refuses to consent to the reevaluation:

- The LEA may pursue the reevaluation using mediation or due process procedures.
- The LEA does not violate its obligation under the [CHILD FIND DUTY](#) and the [EVALUATION PROCEDURES](#) requirements if it declines to pursue the reevaluation.



NOTE:

The LEA must maintain documentation of [RECORDS OF ATTEMPTS](#) to obtain parental consent. Those procedures include detailed records of phone calls, copies of correspondence, and detailed records of visits to the parents' home or job.

ADDITIONAL RESOURCES:

[Question and Answer Document: Review of Existing Evaluation Data and Reevaluation](#)

[Guidance Related to Evaluations: REED and Reevaluation](#)

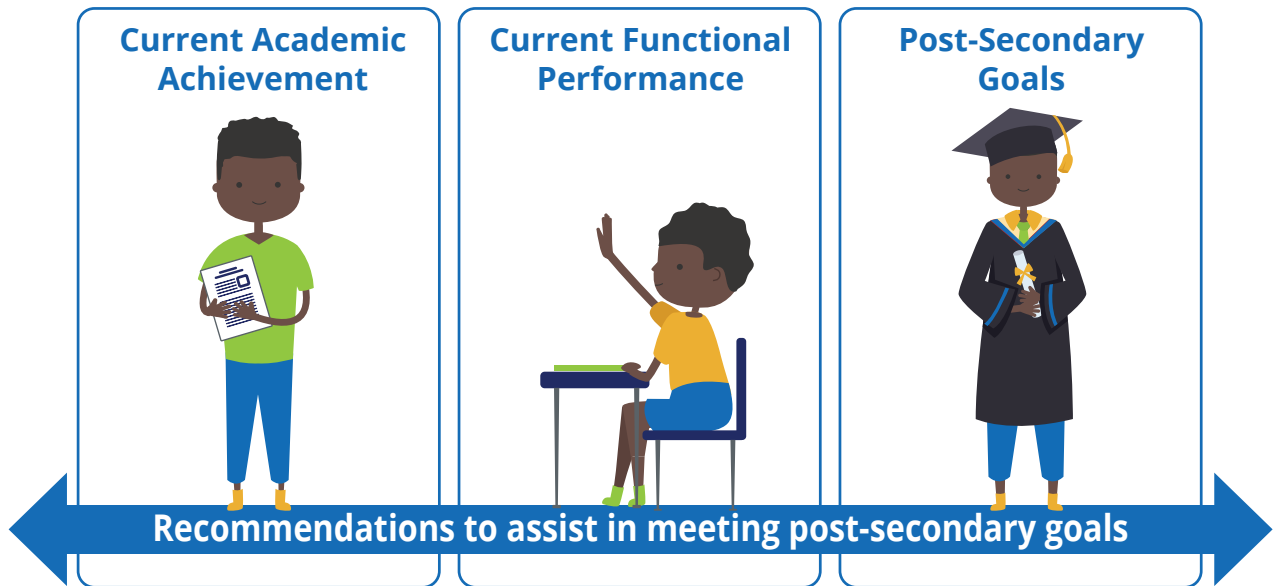
Summary of Performance and Evaluation

What is the Summary of Performance (SOP) and its purpose?

SUMMARY OF PERFORMANCE refers to a document that is intended to be a useful resource for students, families, and employers or educators in post-secondary settings. It must include a summary of the student's academic achievement and functional performance, as well as recommendations about ways to help the student achieve post-secondary goals. It must consider, as appropriate, the views of the parent and student, as well as written recommendations from adult service agencies on how to assist the student in achieving post-secondary goals.

The SOP should include information about accommodations that have been necessary and/or helpful to the student in performing academic and functional tasks. The overriding purpose of the SOP is to facilitate the student's post-secondary transition success.

The SOP includes information about:



The SOP must consider, as appropriate:





Which students must have an SOP?

Completion of the SOP is a legal requirement for all students receiving special education services who are [graduating](#) or are exiting public school due to age.



When must an evaluation be included in the SOP?

An evaluation must be included as part of the SOP for students graduating under the Foundation High School Program or the Minimum High School Program with at least one course containing modified curriculum. How the evaluation is included in the SOP is left to the discretion of the LEA.



Is the LEA required to conduct a new evaluation as a part of the SOP?

If the student's evaluation is current, there is not a requirement to conduct a new evaluation. The current evaluation will be one of the sources of data utilized in writing the SOP.

Best Practice Tip

- The SOP is most useful when completed with the student's active participation during the transition process.
- Be specific in describing how accommodations have helped the student's functioning in relevant settings.
- Include the most current information about the student's abilities and aspirations.
- Ensure that the student receives a copy of their current evaluation with the SOP and understands the information.
- Encourage the student to "own" the SOP to facilitate self-advocacy.
- A well written SOP will make the reader feel like they know the student.

Tips for Working with Families:

- Ensure families have a meaningful opportunity to provide information about their student.
- Encourage families to maintain a copy of the SOP for future educational and employment settings.



ADDITIONAL RESOURCES:

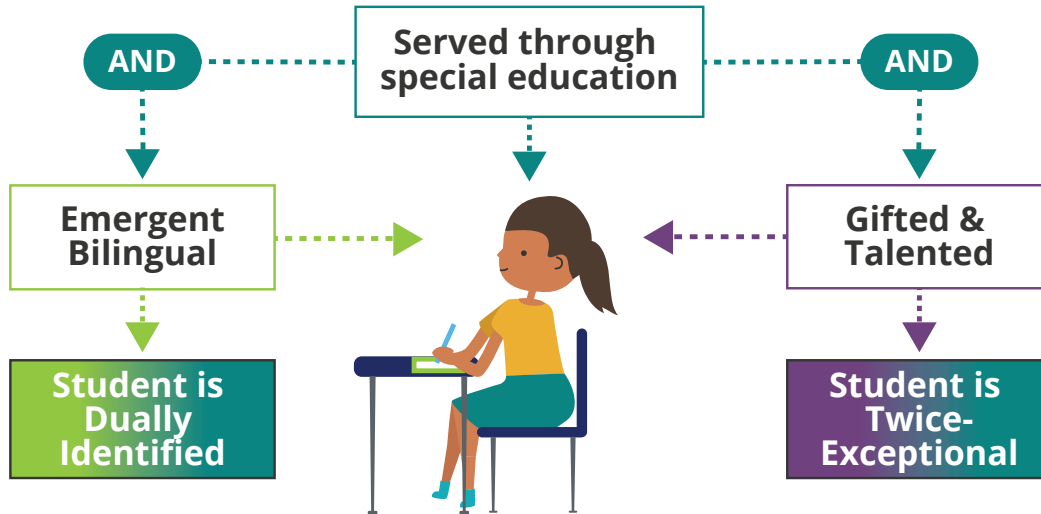
[Summary of Performance Fact Sheet](#)

[Graduation Toolkit](#)

Special Circumstances Evaluation Areas

Texas students speak more than 120 different languages.

Children enrolled in Texas schools speak more than 120 different languages. Consequently, in Texas many children with disabilities are also identified as students who are emergent bilingual. Children with disabilities may also be identified as gifted in comparison to same-aged peers.



Emergent Bilingual (EB) Students

When a child with a disability is, or might be, identified as EB, the child’s ARD committee must work in conjunction with the language proficiency assessment committee (LPAC) for all decision making regarding the whole child.

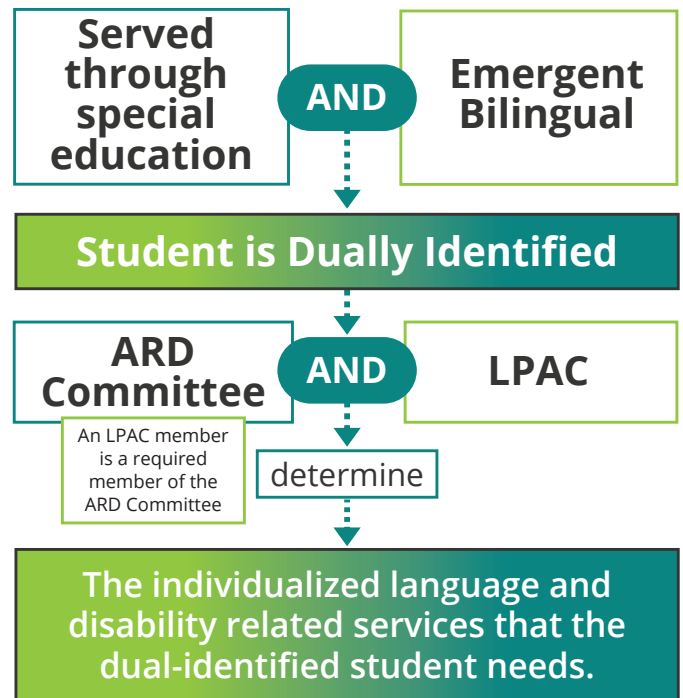
Important topics for members of the ARD and LPAC committees who work directly with the student include:

- the student's cognitive and linguistic abilities, and affective needs;
- linguistic accommodations that will help the student access the general curriculum; and
- interaction of language and disability related needs.

Continuous communication and ongoing coordination between both the LPAC and ARD committees is best practice.

Assessment Instruments

For students with disabilities, school districts shall utilize the state's criteria for identification of emergent bilingual students as described in [TAC §89.1226\(f\)](#) of this title (relating to Testing and Classification of Students) and shall establish placement procedures that ensure that the placement recommendation by the LPAC committee, in conjunction with the ARD committee, in a bilingual education or English as a second language program is not refused based on the student's disabling condition.



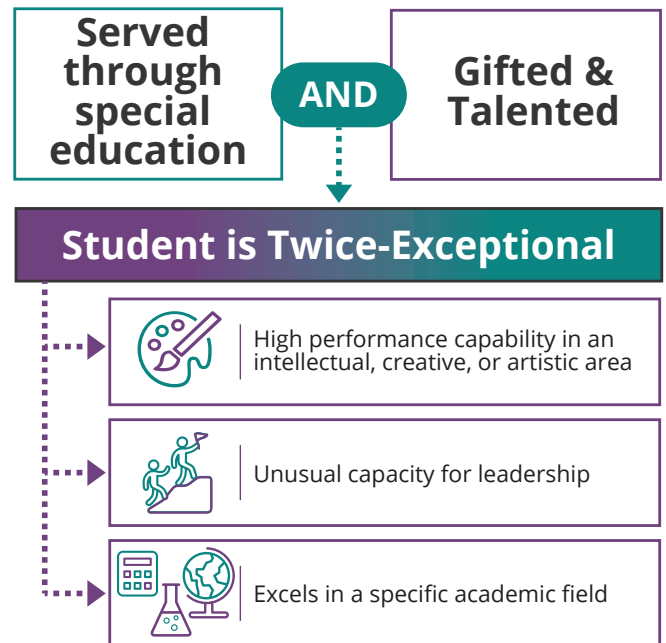
Twice-Exceptional Learner

A twice-exceptional learner is a child who is [GIFTED AND TALENTED](#) and qualifies for special education services. Based on LEA criteria, a child may be gifted and talented if he or she performs at or shows the potential for performing at a remarkably high level of accomplishment when compared to others of the same age, experience, or environment and who:

- exhibits high performance capability in an intellectual, creative, or artistic area;
- possesses an unusual capacity for leadership; or
- excels in a specific academic field.

Twice-exceptional children tend to fall into one of these three categories, complicating identification:

- Students whose giftedness masks their learning and attention issues.
- Students whose learning and attention issues mask their giftedness.
- Students whose learning and attention issues and giftedness mask each other.



Assistive Technology



The ARD committee must consider whether the child needs [ASSISTIVE TECHNOLOGY](#) devices or services.

The term *assistive technology device* (ATD) is any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of the child with a disability. The term ATD does not include a medical device that is surgically implanted, or the replacement of such device.

The term *assistive technology service* means any service that directly assists the child with a disability in the selection, acquisition, or use of an ATD and includes the evaluation of the needs of the child, including a functional evaluation of

the child in the child's customary environment. Rather than a one-time "event" conducted by a specialist, assistive technology assessment is best thought of as a collaborative process by which a team (e.g., ARD Committee) determines what technologies would improve a student's performance, participation, and independence.

The consideration of assistive technology devices and services is required during the development of every Individualized Educational Program (IEP) and every Individual Family Service Plan (IFSP) for children from birth to school age.

Best Practice Tips

The Quality Indicators for Assessment of Assistive Technology Needs (listed 1-7 below), is a process used to identify tools and strategies to address a student's specific need(s):

1. Assistive technology assessment procedures are clearly defined and consistently used.
2. Assistive technology assessments are conducted by a multidisciplinary team that actively involves the student and family or caregivers.
3. Assistive technology assessments are conducted in the student's customary environments.
4. Assistive technology assessments, including needed trials, are completed within reasonable timelines.
5. Recommendations from assistive technology assessments are based on data about the student, environments and tasks.
6. The assessment provides the ARD committee with documented recommendations about assistive technology devices and services.
7. Assistive technology needs are reassessed by request or as needed based on changes in the student, environments and/or tasks.

ADDITIONAL RESOURCES:

["Appropriate Special Education Referrals of Culturally and Linguistically Diverse Learners"](#) (recorded webinar)

[Guidance Related to ARD Committee and LPAC Collaboration](#)

[Bilingual and English as a Second Language Education Programs](#)

[Students Served by Special Education and Identified as Gifted and Talented](#)

[Dual-Identified Students](#)

[Considering Assistive Technology \(AT\) in the Individualized Education Program \(IEP\) Process](#)

[Guidelines When Considering an Initial Referral for Special Education for Emergent Bilingual Students Supplemental Response Form to the Student Data Review Guide](#)

Independent Educational Evaluation (IEE)

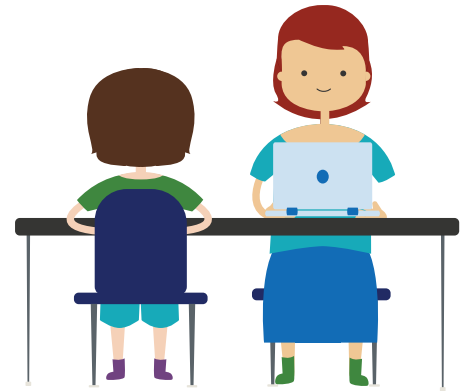


What is an IEE?

An [INDEPENDENT EDUCATIONAL EVALUATION \(IEE\)](#) means an evaluation conducted by a qualified examiner who is not employed by the LEA responsible for the education of the child. A parent's right to request an IEE is a procedural safeguard described in the NPS.

Parent Request for an IEE

- Parents have the right to obtain an IEE of their child at their own expense.
- Parents have the right to an IEE at the LEA's expense if they disagree with an evaluation provided by the LEA, unless the LEA:
 - Demonstrates at a due process hearing that its own evaluation of the child was appropriate; or
 - Demonstrates at a due process hearing that the evaluation obtained by the parents did not meet LEA criteria.
- Parents are entitled to only one IEE at public expense each time an LEA conducts an evaluation with which the parent disagrees.
- Parents may forfeit their right to an IEE at public expense if they fail to give consent for an LEA to conduct an evaluation.



+ LEA's Response to Parent's Request for an IEE

If a parent requests an IEE at LEA expense, the LEA must provide information about where one may be obtained ([34 CFR 300.502\(a\)\(2\)](#)), and without unreasonable delay, either:

1. provide the parents with information about the LEA's criteria for IEEs, and ensure that a publicly funded IEE is provided,
2. file a due process hearing request to ask a hearing officer to determine whether the evaluation the LEA conducted was appropriate, or
3. demonstrate in a hearing that the IEE the parent obtained did not meet the LEA's criteria.



NOTE:

- An LEA may ask the parents why they want their child to be independently evaluated, but the parents are not required to answer.
- LEAs may not reevaluate or conduct a missing assessment instead of responding to an IEE request.
- If a due process hearing officer determines that the LEA's evaluation is appropriate, the parent still has a right to an IEE, but not at public expense.
- If a hearing officer requests an IEE as part of a hearing or a due process complaint, the cost of the evaluation must be the responsibility of the LEA.

↻ LEA's Criteria for an IEE

LEAs must not impose criteria or requirements that constitute barriers for families in obtaining an IEE at public expense. Examples of criteria that could constitute barriers are things such as unreasonably restricting evaluation costs or requiring families to cover associated costs up front and later be reimbursed by the LEA. In addition, LEAs may not require parents to submit bills for the cost of an IEE to their private insurance companies. These practices can incur costs to the parents that are not readily apparent, such as increased insurance premiums or a decrease in available lifetime coverage.

An LEA's criteria for an IEE may:

- state that parents should check with their insurance provider to better understand possible future financial costs to them; and
- inform parents that their refusal to do so will not relieve the LEA of its duty to ensure that all required services are provided at no cost to the parent.



The LEA's criteria for IEE must be the same as the criteria that the LEA uses for its own evaluations. The criteria must be consistent with a parent's right to an IEE, and the LEA may not impose additional conditions or timelines related to obtaining an IEE at public expense. Parents must be given an opportunity to demonstrate unique circumstances that allow for a deviation from the criteria established by the LEA. The location of where the evaluation is conducted as well as qualifications of the examiner are criteria outlined by [FEDERAL LAW](#).



Location of where the evaluation is conducted – may include, for example, a statement that the independent evaluator must be located within a 125-mile radius of the LEA.



Qualifications of the examiner – may include, for example, that the independent evaluator will have the same qualifications required for LEA evaluation personnel, such as, school psychologist or licensed specialist in school psychology (LSSP) for a psychological evaluation.



NOTE:

LEAs should maintain a list of qualified evaluators to provide parents, along with information on how and where to obtain an IEE. An LEA's regional education service center (ESC) can assist with compiling such a list. Parents are free to select an evaluator who is not on the list as long as the evaluator meets other LEA criteria, unless the criteria would limit a parent's right to obtain an IEE at public expense.



State/federal requirements applicable for all evaluations apply for the IEE, including provision of a written report.



Cost Criteria: Means that LEAs are not required to pay unreasonable fees for an IEE. However, when addressing the cost of the IEE, LEAs must be prepared to recognize unique circumstances affecting IEE cost. Those circumstance may justify a more expensive evaluation. While it is permissible to set reasonable pricing thresholds, LEAs need to be flexible depending on the nature of the requested IEE. The threshold cannot prevent the parent from obtaining an IEE at public expense.



Payment Procedures: must ensure that the parent's personal finances do not create a barrier to obtaining an IEE. For some parents, a rigid procedure that requires parents to pay an evaluator directly may be found to deny a parent the right to a publicly funded IEE.



NOTE:

- LEAs should provide the same access for classroom observations to IEE providers as given to LEA staff.
- Parents must sign consent for release of confidential information about their child to the IEE provider in order for the LEA to provide access to the child's educational records.
- LEAs should share current evaluations with the IEE providers since some assessments would become invalid if used too often.

LEA's Obligation to Consider an IEE

- If the parent obtains an IEE at the LEA's expense or shares an evaluation obtained at private expense, the ARD committee must consider the results of that evaluation when making decisions involving the provision of a FAPE to the child.
- The ARD committee must include an individual from the LEA who can interpret the instructional implications of evaluation results.
- While the ARD committee, including the parents, must consider the results of an IEE, the committee is not required by law to adopt the IEE provider's recommendations or conclusions.

The ARD committee must consider the results of an IEE when making decisions involving FAPE.



Best Practice Tips

- LEA's should address the criteria for an IEE in its Special Education Operating Procedures. Do not wait until an IEE is requested to assemble a list of evaluators and evaluation criteria.
- LEA special education and finance offices should work together closely as there should be a mutual understanding between special education and the finance office of the process for contracting between the LEA and an IEE provider. This will expedite the process when parents make a request for an IEE. LEAs are encouraged to contract directly with IEE providers. Payment for services can be delivered within a defined time limit after receipt of the written IEE report.
- The LEA should explain to the parent that the parent has a right to an IEE at public expense if the parent disagrees with an evaluation already obtained by the LEA. This means that the LEA has the right to conduct its own evaluation prior to paying for an IEE.
- Make sure the LEA's evaluation is comprehensive, and the child is evaluated in all areas of suspected disability.
- LEAs should carefully review the IEE, explaining any areas of agreement or disagreement with the parent.
- Request that parents notify the LEA of specific areas of disagreement and questions to be addressed by the IEE. Remember, however, that parents are not required to provide an explanation.

Role of the ARD Committee: Eligibility Decision

Eligibility Decision

Upon completion of the [FIIE](#), the ARD committee must determine whether:

- The child is a child with a disability; and
- By reason of the disability, the child needs special education and related services.

The MDT makes **recommendations** about eligibility in the FIIE. Only the ARD committee has authority to make eligibility decisions.



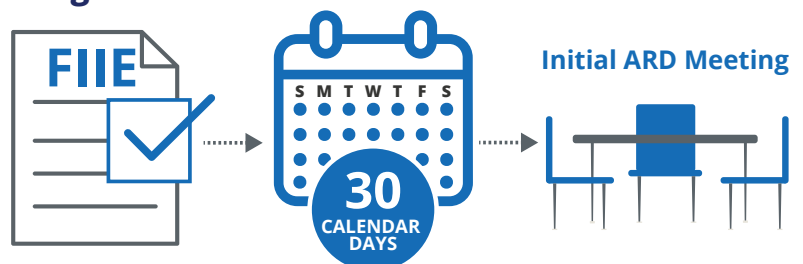
+ Texas state laws have expanded the required members of the MDT and any subsequent team convened to determine a student's eligibility for special education and related services when dyslexia is a suspected disability to include at least one member with specific knowledge of the reading process, dyslexia and related disorders, and dyslexia instruction.

The member must:

- Hold a licensed dyslexia therapist (LDT) license under Chapter 403, Occupations Code;
- Hold the most advanced dyslexia-related certification issued by an association recognized by the SBOE; or
- If neither of these is available, the member must meet the training requirements adopted by the SBOE.

Timeline for Initial ARD Committee Meeting

The ARD committee must make its decisions regarding the child's initial eligibility determination and, if appropriate, IEP and placement within 30 calendar days from the date of the completion of the written FIIE report unless one of the following situations applies:



- If the 30th day falls during the summer and school is not in session, the ARD committee has until the first day of classes in the fall to finalize its decisions, unless the initial evaluation indicates that the child will need extended school year services during that summer; or
- If the LEA received the written consent for the evaluation from the parent at least 35 but fewer than 45 school days before the last instructional day of the school year and the child was not absent from school three or more days between the time that the LEA received written consent and the last instructional day of the school year, the ARD committee must meet not later than the 15th school day of the following school year, unless the initial evaluation indicates that the child will need extended school year services during that summer.

Analysis of Determinant Factors

A child must **not** be determined to be a child with a disability, if a child is determined to have one of the following causal factors:

- Lack of appropriate instruction in reading, including the essential components of reading instruction which means explicit and systemic instruction in:
 - Phonemic awareness
 - Phonics
 - Vocabulary development
 - Reading fluency, including oral reading skills and
 - Reading comprehension strategies, and/or
- Lack of appropriate instruction in math; or
- Limited English proficiency; and
- If the child does not meet eligibility criteria under [34 CFR §300.8\(a\)](#)

Need for Special Education and Related Services

If a child has one of the 13 disabilities identified in Texas, but only needs [RELATED SERVICES](#) and not special education services, the child is not a child with a disability under the Individuals with Disabilities Education Act (IDEA).



NOTE:

Upon completion of the evaluation the LEA must provide a copy of the evaluation report at no cost to the parent.

Parents have access rights which are the general right to inspect and review any education records for their child. When the parent requests access to the education records, the LEA must comply without [UNECESSARY DELAY](#).



TEA Photo Library

Tip for Working with Families:

- Review the FIEE with the parent and provide a copy prior to the ARD committee meeting to give them time to review and prepare.
- Ensure the parent has an opportunity for meaningful input in the ARD process. Explain to the parent that the determination of eligibility is one of the first decisions made with the parent's input.



Best Practice Tip

Remember, the fact that a student performs well academically does not necessarily make him ineligible for special education services. Carefully consider any factors, such as behaviors, that interfere with learning.

ADDITIONAL RESOURCES:

[Admission, Review, and Dismissal \(ARD\) Committee Manager Training](#)

[Standards Based IEP Process Training](#)

[ARD Committee Manager Quick Guide](#)

[ARD Supports Resources](#)



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Resources

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ARD

- [Admission, Review, and Dismissal \(ARD\) Committee Manager Training](#)
- [Prior Written Notice Quick Guide](#)

Child Find

- [Child Find Duty](#)
- [Child Find Duty - Everyone's Responsibility](#)
- [SPP 11: Child Find \(Timely Initial Evaluation\) Frequently Asked Questions](#)

Dyslexia

- [The TEA Dyslexia and Related Disorders Webpage](#)
- [The Dyslexia Handbook 2021 \(English\)](#)
- [The Dyslexia Handbook 2021 \(Spanish\)](#)

Early Childhood

- [Early Childhood Intervention Services](#)
- [Early Childhood Intervention for Students with Auditory or Visual Impairments](#)
- [Early Childhood Intervention Memorandum of Understanding](#)
- [Beyond ECI](#)
- [Health and Human Services ECI Parent Handbook](#)
- [ECI Transition Flowchart](#)
- [Noncategorical Early Childhood \(NCEC\)](#)

Evaluation

[Review of Existing Evaluation Data](#)

[Child with a Disability Defined](#)

[Children who Transfer During the Evaluation Process](#)

[Special Education Informed Consent Quick Guide](#)

[TSDS Child Find: Parental Consent Date Guidance \(updated 7/18/2022\)](#)

[Full and Individual Initial Evaluation \(Evaluation Procedures\)](#)

[Full and Individual Initial Evaluation Timeline](#)

[Special Education Initial Referral Timeline](#)

[Parent Request for Evaluation](#)

[Review of Existing Evaluation Data \(REED\)](#)

[Question and Answer Document: Review of Existing Evaluation Data and Reevaluation](#)

[Reevaluations: From Review of Existing Evaluation Data \(REED\) to Evaluation recorded webinar](#)

[Student Data Review Guide When Considering a Referral to Special Education](#)

[Student Data Review Guide Summary of Responses](#)

[Guidelines When Considering an Initial Referral for Special Education for Emergent Bilingual Students Supplemental Response Form to the Student Data Review Guide](#)

[Special Education Referral for an Initial Evaluation Process Quick Guide](#)

[Independent Educational Evaluation \(IEE\)](#)

Federal State Rules, Regulations, and Guidance

[The Texas Legal Framework](#)

[The Texas Legal Framework - Glossary](#)

[Requirement for Assistive Technology Devices and Services](#)

[15 School Days](#)

[Prior Written Notice \(PWN\)](#)

[Evaluation Procedures \(34 C.F.R. §§300.304-300.311\)](#)

[Evaluation Procedures](#)

[Notice of Procedural Safeguards \(NPS\)](#)

[OSEP Memorandum 11-07](#)

[OSEP Memorandum 16-07](#)

[Children who Transfer](#)

[Review of Existing Evaluation Data \(REED\)](#)

[Evaluation](#)

[Child with a Disability](#)

[Full Individual and Initial Evaluation](#)

[State and Districtwide Assessments](#)

[Assistive Technology](#)

[Related Services](#)

Gifted and Talented

[Gifted and Talented Frequently Asked Questions](#)

[Gifted Talented Education Website \(TEA\)](#)

[Students Served by Special Education and Identified as Gifted and Talented](#)

[Dual-Identified Students](#)

Students who are Identified as Emergent Bilingual

[Bilingual Education/English as a Second Language program](#)

[Guidance Related to ARD Committee and LPAC Collaboration](#)

[“Appropriate Special Education referrals of Culturally and Linguistically Diverse Learners” webinar](#)

Transition

[Graduation Guidance](#)

[Summary of Performance](#)

[Summary of Performance Fact Sheet](#)

[Graduation Toolkit](#)

[A Guide to Early Transitions in Texas](#)

MTSS/RTI

[Multi-Tiered Systems of Support Overview](#)

[Multi-Tiered Systems of Support](#)

Other

[Texas Sped Support Website](#)

[Deaf and Hard of Hearing Students \(DHH\): Eligibility for Special Education](#)

[Students with Visual Impairments: Eligibility for Special Education](#)

[Children in Private Schools](#)

[SPEDTex Notice of Procedural Safeguards](#)

[SPEDTEX](#)

[Student Handbook Statement](#)

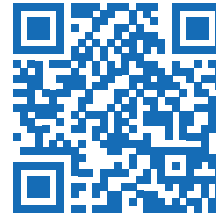
[Considering Assistive Technology \(AT\) in the Individualized Education Program \(IEP\) Process](#)

Click on the title of each to visit the websites or scan the QR codes below.

Texas Special Education Educator Resources:



Texas SPED Support



spedsupport.tea.texas.gov

Department of Special Education:



TEA Special Education
[Website](#)



Sped@tea.texas.gov



512-463-9414

Additional Special Education Resources:

The Texas Legal Framework



TEA Special Education Page



Special Education Resources for Parents and Families:

SPEDTex



Partners Resource Network





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