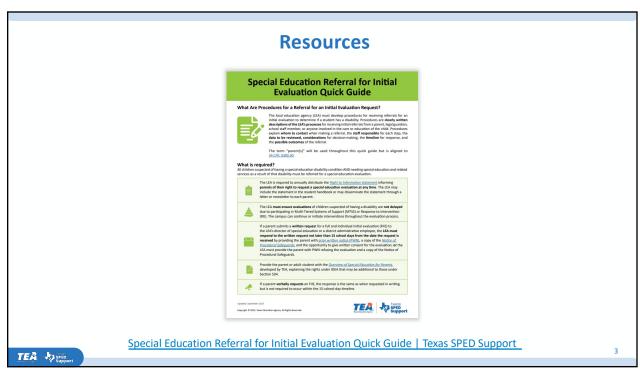


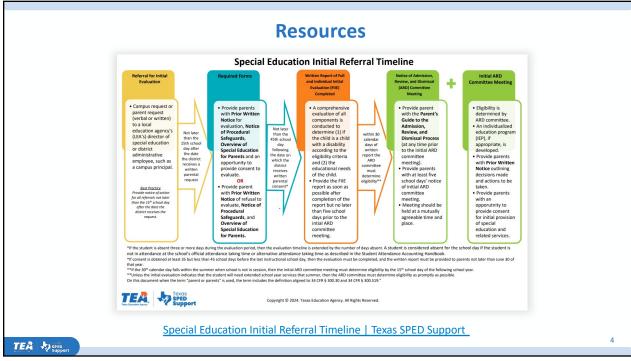
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Resources

- Special education is available because of a federal law called the IDEA, which provides students with disabilities and their parents special legal rights to receive these individualized learning opportunities.
- The Overview of Special Education for Parents form is a summary of rights, required to be given to parents after a referral has been made.
- The form is available in English and in <u>multiple</u> languages on the SPEDTex website.



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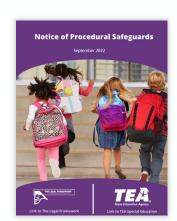
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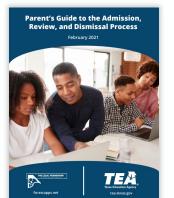
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Resources



REFERRAL FOR POSSIBLE SPECIAL EDUCATION
SERVICES | Legal Framework (escapps.net)



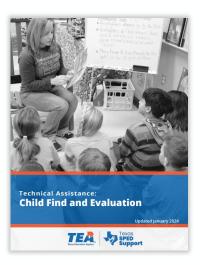


Publications | Legal Framework (escapps.net)

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Resources



Technical Assistance: Child Find and Evaluation | Texas SPED Support

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Learning Objectives

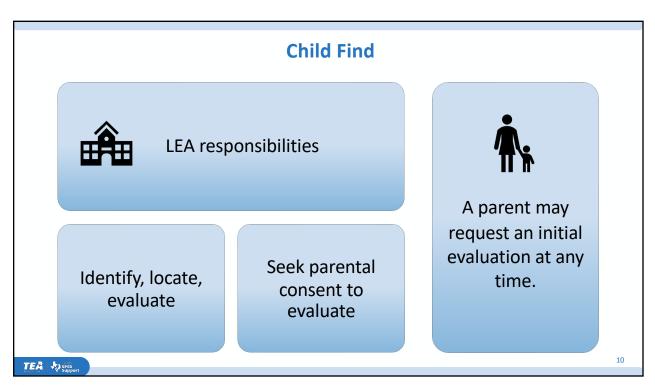
Participants will build knowledge and gain an understanding of the following:

- Responsibilities when a local education agency (LEA) receives a referral for an initial evaluation based on federal and state rules and regulations.
- Response requirements to parent requests, written and verbal, for a full and individual initial evaluation (FIIE).
- Considerations for LEAs when developing or updating special education operating procedures for a referral for possible special education services.

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Annual Notification – Right to Information

The written explanation must state:

The options and requirements for assisting students who have learning difficulties or who may need special education.

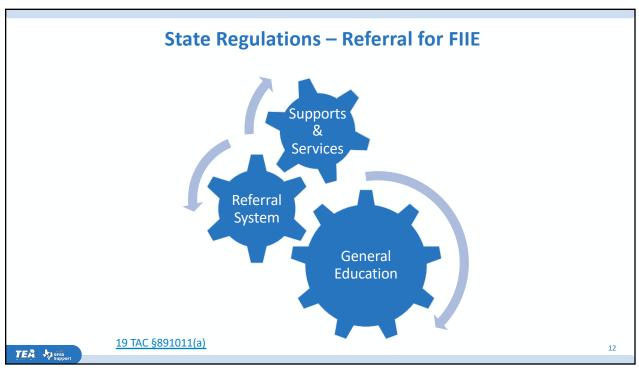
That a parent may request an evaluation for special education services at any time.

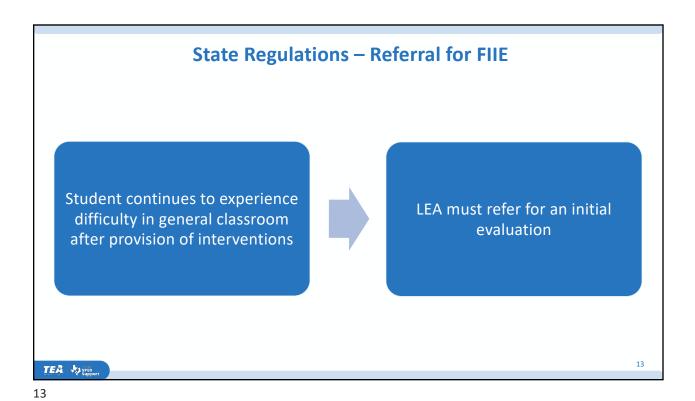
Who the designated contact is for an initial referral.

Student Handbook Statement

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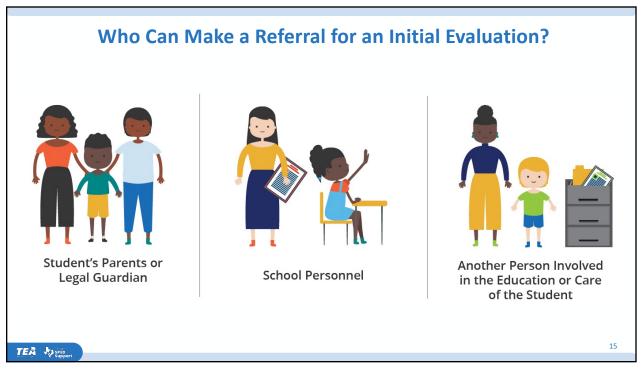
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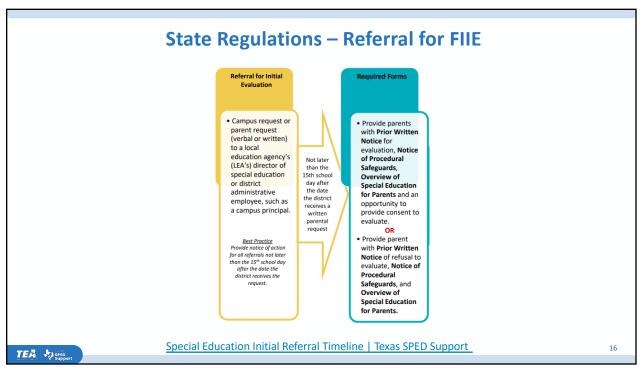




MTSS may not be used to delay or deny an evaluation of a child suspected of having a disability and needing special education and related services.

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Parent Referrals – Verbal Request

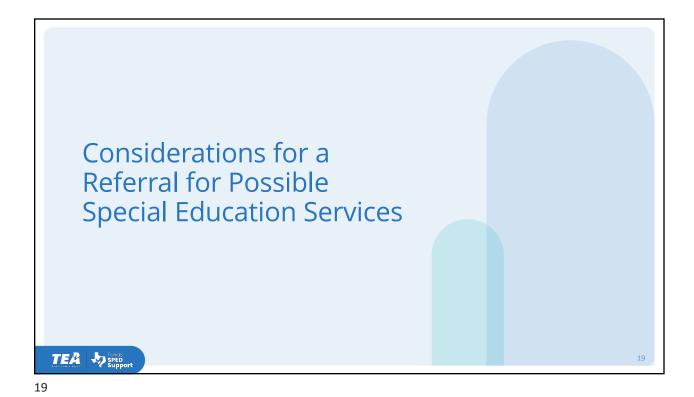


- LEAs must respond to a parent's verbal request for an evaluation with a PWN agreeing or refusing to evaluate their child.
- LEAs are not required to respond within 15 school days, but it is best practice.
- LEAs should encourage the parent to put their verbal request into writing, including the date and signature, and then follow the requirements for a written request.

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What Should Be Included? LEA must notify educational decision-maker and/or caseworker of referrals for initial evaluations for children who are In substitute care (legal custody of Child Protective Services)



Initial referrals are part of an LEA's Child Find duty.

In an LEA's special education operating procedures for Child Find, there needs to be clearly written procedures for referrals for initial evaluations.

What Should Be Included?

- Contact person for referrals
- Staff responsible for each step of process
- Data to be reviewed
- Considerations for decision-making
- Timelines
- Possible outcomes



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Consideration #1

Review your LEA special education operating procedures for compliance with state and federal regulations.



- Are all LEA staff aware of their Child Find responsibility?
- Are all LEA staff aware of the responsibility to all students with disabilities, including those who are three through five-years old, homeless, in foster care, incarcerated, highly mobile or migrant, and military-connected?
- Are the LEA procedures for a referral for an initial evaluation current and in writing?
- Do staff know where to find the LEA operating procedures?

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Consideration #1 – Best Practices

- Designate a district and campus contact who will keep up to date on federal and state regulations, advise LEA staff on current guidance, and answer parent and staff questions.
- Develop a continuous improvement process for revising local special education operating procedures.
- Provide at least annual training to all LEA staff on Child Find duties, including responsibilities regarding initial referrals and requests for evaluation.



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Consideration #1 – Children Ages Birth Through Age 2

For children ages birth through age 2, the school district, as soon as possible, but **no later than seven school days**, provides referrals to the local early childhood intervention (ECI) program for all children under three years of age discovered through the child find process.





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Consideration #1 – Children Ages Birth through Three Years Old

1

• If the child will turn three in fewer than 45 days, then the child is referred to the local school district. The school district should follow standard procedures for responding to a parent's request.

2

• Children with a visual impairment and children who are deaf or hard of hearing are eligible for free appropriate public education (FAPE) from birth. School districts should coordinate the evaluation and services between the local ECI program and the local school district.



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Consideration #1 – Children Ages Three through Five Years Old

For children ages three through five years old who are not yet enrolled in school, the school district should follow standard procedures for responding to a parent's request for referral of their child for an evaluation and possible services and supports.





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Consideration #1 – Best Practices for Children Ages Three through Five Years Old

- Train front office staff on how to respond when families contact the school about having their children, ages 3 through 5 years old, tested for a suspected disability.
- Advertise any screening dates and procedures for children 3 through 5 years of age.
- If the ARD committee determines the child is eligible for a disability and needs special education and related services, the school district will need to explain dual enrollment to the parents.





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Consideration #2

Describe in your special education operating procedures your LEA's multi-tiered systems of support (MTSS), which includes response to intervention (RTI), designed to provide varying levels of support to meet the academic, behavioral, and social/emotional needs of students.



 Include safeguards your LEA takes to ensure that students are referred for an evaluation regardless of whether they have participated in an intervention program.

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Consideration #2 – Best Practices

- Best practices for MTSS should include universal screening, evidencedbased practices implemented with fidelity, progress monitoring, and data-based decision-making.
- LEAs need MTSS teams that review and use instructional data to make decisions with the students' best interests in mind.
- LEAs should establish explicit data-based guidelines for monitoring student progress and referring a student for evaluation at any time a disability is suspected.

MTSS | Texas SPED Support



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Consideration #3

Describe your LEA's procedures for how to initiate a referral for special education services and what steps are taken when a referral is made by:



- The student's parents or legal guardian
- School personnel
- Another person involved in the education or care of the student

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Consideration #3 – Best Practices

- How and where to document the request?
- Who needs to be notified of the request?
- When should this person be notified?
- What happens next to consider the request?
- Who notifies the parent or other person making a referral request of the LEA decision?



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Consideration #4

Describe your LEA's decision-making process in the special education operating procedures for proposing or refusing to evaluate a student.



- Which staff members are included on your dedicated team to review initial referrals?
- What types of data are you reviewing and for what time period?
- How is the data analyzed to make the decision whether to evaluate?

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Consideration #4 – Best Practices

- Designate a campus team to review referral requests to ensure consistent practice.
- Include an evaluation professional such as a school psychologist, educational diagnostician, speech-language pathologist (SLP), and/or provider of dyslexia instruction on your campus referral team.
- Make data-based decisions by gathering and systematically analyzing information about students.
- Consider tiered interventions, evaluation for services and/or accommodations under Section 504, and special education evaluation simultaneously.

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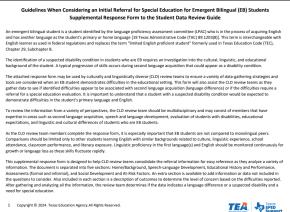
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Student Data Review when Considering a Reference to the second of the se

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



Emergent Bilingual (EB) Student Data Review - Supplemental Form | Texas SPED Support



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Consideration #5

Describe how school personnel are trained annually on the legal timeline for responding to a parent's request for evaluation and the process to follow when a parent's written or verbal request is received.



- What is your LEA's operating procedure for verbal requests?
- Who develops, updates, and provides training?
- Is the training provided no less than annually?
- How is this training documented?

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Consideration #5 – Best Practices

- The LEA should assist parents with putting verbal requests into writing and follow the timeline for responding to a written request for evaluation.
- LEA staff with familiarity and understanding of current special education regulations regarding initial referrals are most knowledgeable to conduct training.
- Training can be documented using a sign-in sheet or virtual access verification, providing a certificate of completion, or updating a professional learning portfolio.



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Consideration #6

Parents are informed of their rights to request a special education evaluation and are aware of the initial referral process.



- How is the <u>Aiding Students Who Have Learning Difficulties or</u>
 <u>Who Need Special Education or Section 504 Services statement</u>
 distributed to parents?
- Where can the LEA special education operating procedures for initiating a referral be found?

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Consideration #6 – Best Practices

- Distribute annually the Aiding Students Who Have Learning Difficulties or Who Need Special Education or Section 504 Services statement in the Student Handbook or by other means specified in your LEA's special education operating procedures.
- Provide LEA staff training regarding the contents of the *Aiding Students*Who Have Learning Difficulties or Who Need Special Education or Section
 504 Services statement and LEA procedures for initial referral requests.
- Provide informational programs for families about how to refer their child for an initial evaluation.



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Consideration #7

Describe how outside evaluations are considered as part of your LEA referral process.



- How is receipt of outside evaluations documented?
- Who is the campus or district staff member or team designated to review outside evaluations?

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Consideration #7 – Best Practices

- The date the school receives the outside evaluation can be noted on the report and in the LEA's data management system.
- School staff with training related to the outside evaluation review the report and give guidance to the team.
- The parent must sign consent to disclose confidential information if more information from a private evaluator is needed.
- The outside evaluation should be considered in the context of the other data sources to determine if the cumulative impact may rise to the level of suspecting a disability and need for special education services.



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Consideration #8

Describe how students with disabilities who are enrolled in private schools by their parents are evaluated.



- How is the LEA staff informed of the LEA's responsibility to evaluate students who attend private schools or are homeschooled within the LEA zone?
- How does the LEA foster collaboration with private schools?
- How does the LEA schedule evaluations for students placed in private schools or are home schooled?

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Consideration #8 – Best Practices

- Train LEA staff that students who are homeschooled or in private schools within the LEA are covered under Child Find.
- Identify all private schools within your LEA and designate an LEA staff member to develop and maintain a collaborative working relationship with these private schools and serve as the LEA contact for initial referral requests.
- Offer training for private schools regarding current federal and state regulations and your LEA procedures for referring private school students for evaluation.



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Consideration #9

Describe how students identified with dyslexia previously under Section 504 are referred for evaluations.



- How is the LEA staff informed of the LEA's responsibility to evaluate students identified with dyslexia previously under Section 504?
- How does the LEA foster collaboration between providers of dyslexia instruction and special education teachers?
- How does the LEA schedule evaluations for students identified with dyslexia under Section 504?

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Consideration #9 – Best Practices

- Train LEA staff in the change from evidence-based dyslexia instruction becoming specially designed instruction (SDI).
- Identify all students identified with dyslexia previously under Section 504 and prioritize their needs for special education evaluations.
- Schedule collaboration time between special education teachers and providers of dyslexia instruction to check for understanding about special education evaluations and the standards-based IEP (SB IEP) process.



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Key Points to Remember



LEAs should have clear **written special education operating procedures** for receiving initial referral requests.



LEAs must respond to a parent's written request for evaluation within **15** school days of receipt with the Notice of Procedural Safeguards, Overview of Special Education for Parents form, PWN, and the opportunity to provide written consent for evaluation or the Notice of Procedural Safeguards and PWN describing in detail the justification for not conducting the evaluation.



For parent verbal requests, the LEA is not required to respond within the 15-school day timeline; however, best practice is to **assist the parent** in putting a verbal request into writing and following the legal timeline for a written request for evaluation.

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Key Points to Remember



LEAs are encouraged to develop procedures and establish teams for **reviewing and analyzing student data** when receiving initial referral requests.



LEAs have an obligation to ensure that evaluations of students suspected of having a disability are **not delayed or denied due to** provision of interventions



If a student is suspected of having dyslexia and/or related disorders, **LEAs** must refer the student for an initial evaluation.



LEAs should **provide training at least** annually to district staff regarding federal and state regulations on FIIE referrals and related local procedures.

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Additional Resources

- Child Find Duty-Everyone's Responsibility | Texas SPED Support
- Child Find Duty Quick Guide | Texas SPED Support
- Emergent Bilingual (EB) Student Data Review Supplemental Form | Texas SPED Support
- Prior Written Notice-Legal Requirements and Best Practices | Texas SPED Support
- Prior Written Notice Quick Guide | Texas SPED Support
- Special Education Initial Referral Timeline | Texas SPED Support
- Student Data Review Guide When Considering a Referral to Special Education | Texas SPED
 Support and Student Data Review Guide When Considering a Referral to Special Education
 | Texas SPED Support



• Technical Assistance: Child Find and Evaluation | Texas SPED Support

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Texas SPED Support



One stop shop to find all resources related to Special Education

Spedsupport.tea.texas.gov







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Thank you!

If you need more information, please connect with your Regional Child Find/Evaluation Statewide Contact.





Statewide Contacts | Texas SPED Support

