

Child Find

REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES

July 7, 2022

Model operating procedures created by



Student Solutions

and

**Thompson
& Horton** LLP
ATTORNEYS | COUNSELORS

Disclaimer: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

©2020 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

CONTENTS

REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES..... 1

 What is Required..... 1

 Referral for Initial Evaluation 1

 Additional Procedures 2

 Referral for Initial Evaluation 2

 Parental Requests..... 3

 Referrals from Other Sources 4

 Consideration of Alternative Supports..... 4

 Trainings Related to Special Education Referral Process 5

 Evidence of Implementation 5

 Resources 6

CITATIONS 6

REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES

What is Required

TEA will produce and provide District Administration a written explanation of the options and requirements for providing assistance to students who have learning difficulties or who need or may need special education. This includes the right of parents or guardians to request an evaluation for special education services at any time. Each school year, District Administration must provide this explanation to all parents in the student handbook or by another means. Referral of students for a special education evaluation must be part of the District's overall general education referral or screening system. See [CHILD FIND DUTY]. In addition, students who are enrolled in private school or home school by their parents may also be referred for a special education evaluation in accordance with these procedures.

Referral for Initial Evaluation

Either the parent of the student, District or Campus Personnel, TEA, an educational service agency, or another political subdivision of the state that is responsible for providing education to students with disabilities may request an initial evaluation to determine whether a student is a student with a disability in need of special education services.

When a student is referred for an initial evaluation, the District must provide Prior Written Notice to the parent of its proposal to do the evaluation or its decision not to evaluate the student. See [PRIOR WRITTEN NOTICE]. For students who are homeless or in substitute care, the District must also provide this notice to the educational decision-maker and caseworker of the student.

Campus Personnel must refer a student for an initial evaluation if the student continues to have difficulty in the general education classroom after the provision of interventions and general education supports. See [CHILD FIND DUTY].

If a student is suspected of having a specific learning disability, Campus Personnel must promptly refer the student for an initial evaluation if the student has not made adequate progress after an appropriate period of time if:

- The student has been provided appropriate instruction in the general education setting, delivered by qualified personnel; and
- The student has been provided, data-based assessments of achievement at reasonable intervals, and a lack of adequate progress has been documented and provided to the student's parent or guardian.

District Assessment Personnel must promptly obtain consent for an initial evaluation prior to conducting an initial full and individual evaluation. See [CONSENT FOR INITIAL EVALUATION].

All documentation regarding a referral for an initial evaluation shall be maintained in the student's special education eligibility folder.

Additional Procedures

For those students who are having difficulty in the regular classroom, Campus Personnel must consider tutorial, compensatory, and other academic or behavior support services that are available to all students.

Each school year, the Campus Special Education Administration will ensure that the written explanation of the options and requirements for providing assistance to students who have learning difficulties or who need or may need special education is included in the Student/Parent Handbook and on the District website in the form adopted by TEA. This notice as well as additional information about the interventions the student is receiving will also be provided to the parent or guardian when the student first begins receiving assistance for the school year and every school year thereafter that the student receives interventions. See [CHILD FIND DUTY].

Referral for Initial Evaluation

When a student has not made sufficient progress despite having been provided interventions and supports or a parental request for evaluation is received, the Student Support Team will gather all relevant data.

A request for an initial special education evaluation referral will include the following:

- The reason(s) for the request and the areas of concern;
- Test results, records, or reports that support the referral which may include all or some of the following: parent information, outside evaluations, teacher information, counselor information, report cards, state assessment scores, work samples, dyslexia screening, communication skills checklist, home language survey, benchmark testing, criterion-based assessments, norm-referenced assessments, reading inventories, health information, hearing and vision screenings, behavior records, attendance records, LPAC information (if applicable), and/or Section 504 information (if applicable); and
- Description, implementation, and results documentation of intervention services, programs, or instructional methodologies provided to the student.

A copy of all referral information and data will be maintained by the campus and included

in the referral section of the student's special education eligibility folder. See [SPECIAL EDUCATION ELIGIBILITY FOLDER].

When a referral for an initial evaluation is submitted, District Assessment Personnel will communicate with Campus Personnel to decide the scope of the evaluation. District Assessment Personnel will seek and obtain written consent for the evaluation from the parent or guardian prior to conducting an initial evaluation. The initial evaluation will be completed no later than 45 school days from the day the school receives written consent. See [EVALUATION PROCEDURES]. If a student is absent for three or more school days during the 45 school days, this period will be extended by the number of school days equal to the number of school days the student is absent. However, this exception does not apply for students who are under the age of 5 by September 1 of the school year, for students not enrolled in public school, or for students enrolled in a private or home school setting.

Parental Requests

A parent may submit a written request for an initial evaluation to Campus or District Administration by hand delivery or through mail, email, or fax. The request from the parent does not need to include any specific language or magic words. If the parent requests an evaluation or is requesting special education or related services, the District will consider that a request for an initial evaluation.

For requests received via hand delivery, mail, email or fax, District or Campus Special Education Personnel receiving the documents will stamp the request with the school day it was received (or opened). If the request is received after 5pm, the request should be stamped the following school day. If the request is sent on a weekend or on a school staff holiday, the date stamp should reflect the next school day that is not a weekend or a school staff holiday.

Should a parent or guardian make an oral request for an initial evaluation to District or Campus Personnel over the phone or in person, Campus Special Education Administration will promptly advise the parent or guardian regarding how to submit a proper written request. Campus Personnel should be trained to connect the parent to a Campus or District Administrator who can assist the parent with the written request. If a parent does not follow an oral request for an initial evaluation with the written request, the staff to whom the oral request was made will document this information and immediately submit it to the District or Campus Special Education Administration. Follow up to this request will occur in a timely manner. District or Campus Special Education Administration will train all District staff on this process each year.

District Special Education Personnel will respond no later than fifteen (15) school days after a written request from the parent or guardian is received by the Campus or District Administration whether the District agrees to or refuses to evaluate the student. School day does not include a day that falls after the last instructional day of the spring school

term and before the first instructional day of the subsequent fall term (i.e., summer break).

If District Special Education Personnel proposes that an evaluation should be completed, the Campus Special Education Personnel will provide the parent with a Prior Written Notice, a copy of the Notice of Procedural Safeguards and a copy of the Parent's Guide to the Admission, Review, and Dismissal Process and give the parent an opportunity to give written consent for the evaluation no later than 15 school days after the written request was received.

If District Special Education Personnel decide that an evaluation is not warranted at this time, Campus Special Education Personnel shall provide the parent with a Prior Written Notice and a copy of the Notice of Procedural Safeguards by the 15-school day deadline. In addition, Campus Personnel shall refer the student to the Student Support Team and/or Campus Administration to address the parent concerns and monitor student progress.

The Campus Special Education Personnel must ensure that the parent signs written acknowledgement of receipt of the Prior Written Notice, the Notice of Procedural Safeguards, and the Parent's Guide to the Admission, Review and Dismissal Process. Such documentation will be kept in the Referral section of the student's special education eligibility folder if the student is referred for an initial evaluation or, if an evaluation is refused, in the student's campus folder. If written acknowledgement of receipt of the Prior Written Notice and Procedural Safeguards is unable to be attained, the manner in which the Notice and Procedural Safeguards was provided will be documented and kept in the folder. See [PRIOR WRITTEN NOTICE] and [SPECIAL EDUCATION ELIGIBILITY FOLDER].

Referrals from Other Sources

District and Campus Special Education Personnel will follow the same process outlined above for an initial referral from an authorized source that is not a District employee or parent/guardian of the student. District and Campus Special Education Personnel should contact District Special Education Administration to confirm that the referral is from an authorized source before initiating the referral.

Consideration of Alternative Supports

Before referring a student for an initial special education evaluation, District and Campus Personnel will consider the following:

- All support services available to all students, including, but not limited to, tutorial, remedial, compensatory, response to intervention, classroom accommodations or other academic or behavior support services;
- Instructional methodologies; and

- Medical information related to the student, including vision and hearing tests, to determine if additional supports are necessary.

This consideration should involve a consultation with the student's general education teacher(s) and other professionals within the District familiar with the student as well as consultation with the parent.

District and Campus Special Education Personnel will also consider if community-based services are available that could benefit the student and/or the student's family. Note that the availability of such support does not diminish the District's obligation to provide FAPE if the student is eligible as a student with a disability. Furthermore, District and Campus Administration will provide professional development and/or supports to general education teacher(s) where appropriate to benefit the student.

However, Campus and District Personnel may not delay making or recording the initial referral for an evaluation, obtaining parental consent for the initial evaluation, or commencing the initial evaluation process in considering these alternative support services. This process will occur in addition to and at the same time as the special education initial referral process.

Trainings Related to Special Education Referral Process

District or Campus Special Education Administration will provide yearly training related to the special education referral process to all Campus Personnel.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

Evidence of Implementation

- Aiding Students Who Have Learning Difficulties or Who Need Special Education or Section 504 Services
- Student Support Team Documentation
- Referral Documents Date-Stamped with School Day Received
- Documentation of General Education Interventions and Supports and Results
- Documentation of Parental Input or Request for Referral
- Prior Written Notice
- Notice of Procedural Safeguards and Receipt of Same
- Parent's Guide to the Admission, Review, and Dismissal Process and Receipt of Same
- Written Consent for Initial Evaluation
- Professional Development and Supports for General Education Teachers

- Yearly Trainings for Campus Personnel Regarding Referrals (Presentation Materials and Sign-in Sheets)
- Documentation for the state in TSDS, PEIMS, and SPP

Resources

[The Legal Framework for the Child-Centered Special Education Process: Referral for Possible Special Education Services - Region 18](#)

[Parent's Guide to the Admission, Review, and Dismissal Process - Texas Education Agency](#)

[Requirements of Coordinated Early Intervening Services - Texas Education Agency](#)

[Response to Intervention - Texas Education Agency](#)

[Notice of Procedural Safeguards - Texas Education Agency](#)

[Letter to Ferrara \(Feb. 29, 2012\) - U.S. Department of Education](#)

[Memorandum: Response to Intervention and Evaluation for Preschool Special Education Services \(Apr. 29, 2016\) - U.S. Department of Education](#)

[Right to Information Concerning Special Education of Students with Learning Difficulties](#)

[FAQs on SB 1153 - Texas Education Agency](#)

CITATIONS

Board Policy EHBAA; 34 CFR 300.33, 300.300(a), 300.301, 300.303, 300.309, 300.503(a); Texas Education Code 25.007(b)(10)(A), 26.0081(c), 29.0011(a); 19 TAC 89.1011(a), (c).