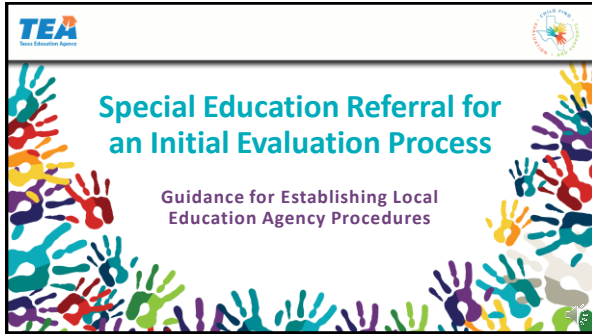
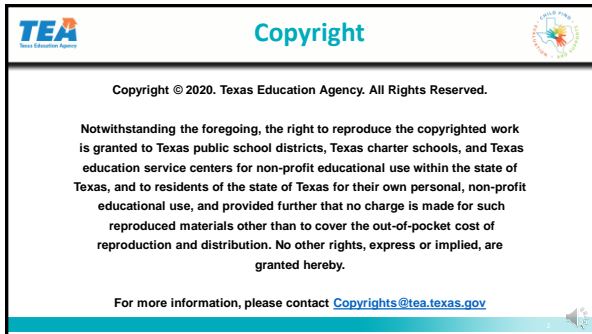


Special Education Referral for an Initial Evaluation Process Guidance for Establishing Local Education Agency Procedures







Special Education Referral for an Initial Evaluation Process Guidance for Establishing Local Education Agency Procedures

Additional Resources

Special Education Referral for Initial Evaluation Quick Guide

Special Education Referral for Initial Evaluation Quick Guide

<https://childfind.texas.gov/index.html>

Additional Resources

Special Education Initial Referral Timeline

1. **Request for Initial Referral**

2. **Parental Consent**

3. **Initial Evaluation**

4. **Initial IEP Meeting**

5. **Final IEP Meeting**

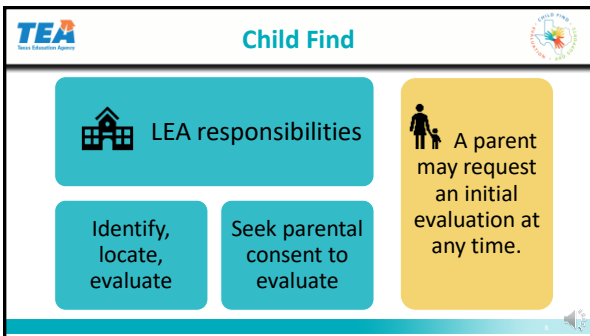
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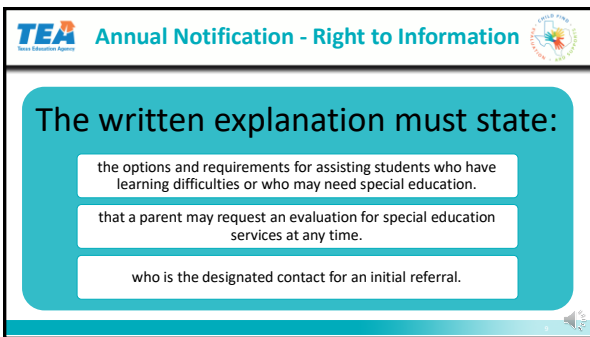
Training Overview

- 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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Notice to Families

The notice includes:

- changes made from 2016 to 2017 in reporting requirements for LEAs regarding special education enrollment.
- the process and procedures for initiating a referral for evaluation for special education services.
- where to find local policies and procedures related to initiating a referral for evaluation.

Districts and charter schools must have a Notice to Families available upon request.

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State Regulations – Referral for FIEE

The diagram consists of three interlocking gears. The largest gear at the bottom is labeled 'General Education'. A smaller gear to its left is labeled 'Referral System'. A third gear, positioned above the 'Referral System' gear, is labeled 'Supports & Services'. Arrows indicate a clockwise flow of interaction between the gears.

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State Regulations – Referral for FIEE

Student continues to experience edifficulty in general classroom after provision of interventions

→


LEA must refer for an initial evaluation

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Do Not Delay or Deny Referral

DO NOT DELAY
or
DENY
due to provision of
interventions




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Who Can Make a Referral for an Initial Evaluation?

		
Student's Parents or Legal Guardian	School Personnel	Another Person Involved in the Education or Care of the Student

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Dyslexia and/or Related Disorders



- If dyslexia and the need for special education services are suspected, the student must be referred for an initial evaluation.
- A student with dyslexia and/or related disorder does not have to present a second, disabling condition to be referred for an initial evaluation.

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TEA State Regulations – Referral for FIEE

Referral for Initial Evaluation

- Campus Request or Parent Request (verbal or written) to an LEA's director of special education or district administrative employee

Best Practice
Provide notice of action for all referrals not later than the 15th school day after the date the district receives the request

Not later than the 15th school day after the date the district receives a written parental request

Notice of Action

- Provide parents with **Prior Written Notice** for evaluation
- Provide parents with **Notice of Procedural Safeguards** and an opportunity to provide consent to evaluation

OR

- Provide parent with **Prior Written Notice** of refusal to evaluation and **Notice of Procedural Safeguards**

TEA 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.

TEA Special Circumstances

LEA must notify educational decision-maker and/or caseworker of referrals for initial evaluations for children who are



Homeless

In care of Child Protective Services



In care of a relative

In foster care

Special Education Referral for an Initial Evaluation Process Guidance for Establishing Local Education Agency Procedures





Considerations for a Referral for Possible Special Education Services



Procedure for Initial Referrals

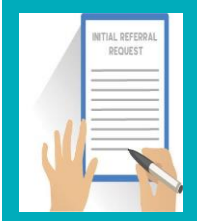
Initial referrals are part of a LEA's child find duty.

In a 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






Special Education Referral for an Initial Evaluation Process Guidance for Establishing Local Education Agency Procedures

 **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 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?




 **Consideration #1 – Best Practice** 

- 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.





 **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.






Special Education Referral for an Initial Evaluation Process

Guidance for Establishing Local Education Agency Procedures

 **Consideration #2 – Best Practice** 


- Best practice for an MTSS system should include universal screening, evidenced-based 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.



[TEA Multi-Tiered Systems of Support Question and Answer Webinar](#) 

 **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




 **Consideration #3 – Best Practice** 


- 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?







Consideration #4 – Best Practice


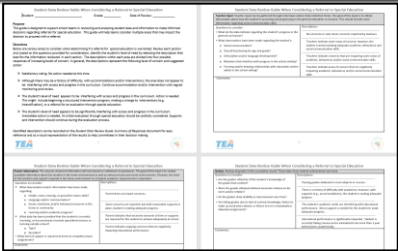


- Designate a campus team to review referral requests to ensure consistent practice.
- Include an evaluation professional such as a Licensed Specialist in School Psychology (LSSP), Educational Diagnostician and/or a Speech-Language Pathologist (SLP) on your campus referral team.
- Make data-based decisions 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**.







Student Data Review when Considering a Referral to Special Education


Special Education Referral for an Initial Evaluation Process



Guidance for Establishing Local Education Agency Procedures

 **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?



 **Consideration #5 – Best Practice** 


- 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.





 **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 *Right to Information Concerning Special Education and Education of Students with Learning Difficulties* statement distributed to parents?
- Where can the LEA operating procedures for initiating a referral be found?





Special Education Referral for an Initial Evaluation Process Guidance for Establishing Local Education Agency Procedures

 **Consideration #6 – Best Practice** 


- Distribute annually the *Right to Information Concerning Special Education and Education of Students with Learning Difficulties* statement in the Student Handbook or by other means specified in your LEA's operating procedures.
- Provide LEA staff training regarding the contents of the *Right to Information Concerning Special Education and Education of Students with Learning Difficulties*, and LEA procedures for initial referral requests.
- Provide informational programs for families about how to refer their child for an initial evaluation.





 **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?





 **Consideration #7 – Best Practice** 

- The date the outside evaluation is received by the school can be noted on the report and in the LEA's data management system.
- School staff with training related to the outside evaluation reviews the report and give guidance to the team.
- Consent to Release of Confidential Information is obtained from the parent 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.






Special Education Referral for an Initial Evaluation Process Guidance for Establishing Local Education Agency Procedures

 **Consideration #8** 


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

- How is district staff informed of the LEA's responsibility to evaluate students who attend private schools or are home schooled 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?



 **Consideration #8 – Best Practice** 

- 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.
- Provide training for private schools regarding current federal and state regulations and your LEA procedures for referring private school students for evaluation.





Key Points to Remember

Special Education Referral for an Initial Evaluation Process Guidance for Establishing Local Education Agency Procedures

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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 a prior written notice (PWN) and consent for evaluation or a 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**.
- LEAs should **provide training at least** annually to district staff regarding federal and state regulations on FIE referrals and related local procedures.

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Resources

Special Education Referral for an Initial Evaluation Process Guidance for Establishing Local Education Agency Procedures

TEA Resources

- [The Legal Framework: Referral for Possible Special Education Services](#)
- [The Legal Framework: Child Find Duty](#)
- [The Legal Framework: Parent's Guide to the Admission, Review, Dismissal Process](#)
- [TEA Child Find, Evaluation and ARD Supports Network](#)
- [TIER Tiered Interventions using Evidence-Based Research \(TIER\) network](#)

TEA Resources

- [Texas Education Agency \(TEA\): Recent TEA Guidance](#)
 - TEA Technical Assistance: Child Find and Evaluation
 - Multi-Tiered Systems of Support (MTSS) Questions and Answers
 - Special Education Operating Procedures 2020
- [TEA Right to Information Statement](#)
- [TEA: Senate Bill 139, Notice to Families](#)
- [TEA: Responsibilities and Timelines Regarding Parent Requests for Special Education Evaluations under the Individuals with Disabilities Education Act \(IDEA\), TEC, and TAC](#)

TEA Thank You!
Questions? Comments?
Please email childfindtx@esc4.net
