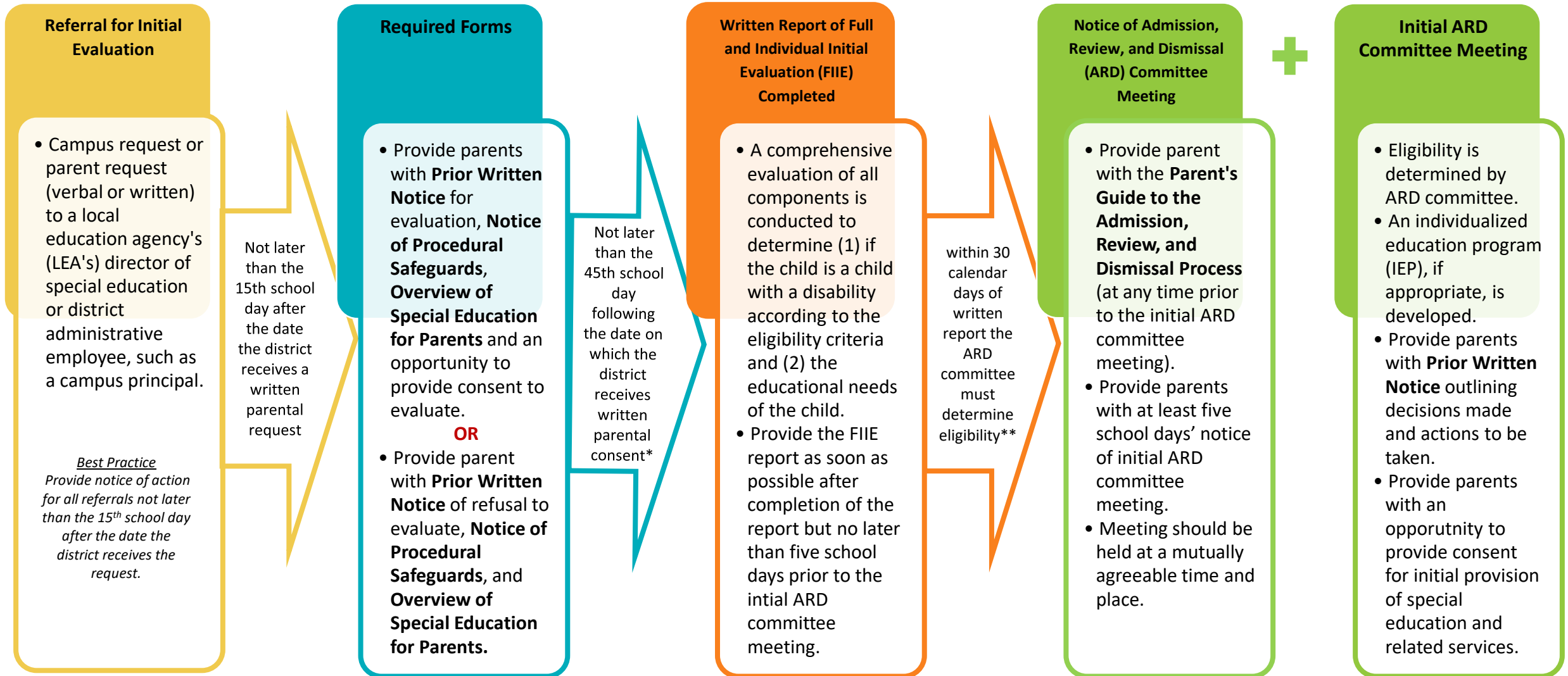


Special Education Initial Referral Timeline



*If the student is absent three or more days during the evaluation period, then the evaluation timeline is extended by the number of days absent. A student is considered absent for the school day if the student is not in attendance at the school's official attendance taking time or alternative attendance taking time as described in the Student Attendance Accounting Handbook.

*If consent is obtained at least 35 but less than 45 school days before the last instructional school day, then the evaluation must be completed, and the written report must be provided to parents not later than June 30 of that year.

**If the 30th calendar day falls within the summer when school is not in session, then the initial ARD committee meeting must determine eligibility by the 15th school day of the following school year.

**Unless the initial evaluation indicates that the student will need extended school year services that summer, then the ARD committee must determine eligibility as promptly as possible.

On this document when the term "parent or parents" is used, the term includes the definition aligned to 34 CFR § 300.30 and 34 CFR § 300.519."

Frequently Asked Questions

At what point during the initial referral process is the Notice of Procedural Safeguards, Prior Written Notice and Overview of Special Education for Parents Form required to be provided to parents?

19 [Texas Administrative Code \(TAC\) §89.1011 \(b\)\(1\)\(2\) and \(c\)](#) states a referral or request for an FIE may be initiated at any time by school personnel, the student's parents or legal guardian, or another person involved in the education or care of the student.

If a parent submits a written request to a school district's director of special education services or to a district administrative employee, such as a campus principal, for an FIE of a student, the school district must, not later than the 15th school day after the date the district receives the request, provide the parent with prior written notice of its proposal to conduct an evaluation and opportunity to give written consent for the evaluation, or prior written notice of its refusal to conduct an evaluation; a copy of the procedural safeguards notice; and a copy of the Overview of Special Education for Parents form.

When a school district initiates the referral for an FIE of a student, the district must provide the parent with prior written notice of its proposal to conduct an evaluation, a copy of the procedural safeguards notice, a copy of the Overview of Special Education for Parents form, and an 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, local education agencies (LEAs) must still comply with all federal prior written notice, Overview of Special Education for Parents Form, and procedural safeguard requirements. If a parent's primary language is not English, the LEA should develop procedures to ensure they are informed of how to request an evaluation.

When must a copy of the evaluation report be given to parents?

19 [TAC §89.1011\(h\)](#) states a copy of the written FIE report must be provided to the parent as soon as possible after completion of the report but no later than five school days prior to the initial ARD committee meeting or not later than June 30 if consent is signed at least 35 but less than 45 school days before the last day of instruction.

What is considered a "school day?"

[19 TAC §89.1011\(i\)](#), states a 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 school term. In the case of a school that operates under a school year calendar without spring and fall terms, a school day does not include a day that falls after the last instructional day of one school year and before the first instructional day of the subsequent school year.

What constitutes the "evaluation process?"

The evaluation process is one in which parental consent is obtained, the child is evaluated, and the ARD committee determines the child's eligibility.

When do timelines begin for a verbal request for an initial evaluation?

Districts and charter schools must still comply with all federal prior written notice and procedural safeguard requirements and the requirements for identifying, locating, and evaluating children who are suspected of being a child with a disability and in need of special education. However, a verbal request does not require the district or charter school to respond within the 15-school-day timeline. It is recommended that the LEA develop a plan (operating procedures) for addressing verbal parent requests in a timely manner.

If the student was not found eligible or was previously dismissed from special education but is then referred again for an evaluation in a subsequent school year, is this considered an initial evaluation?

Yes. This would be considered an initial evaluation.

What if the consent is obtained at least 35 but less than 45 school days from the last instructional day, but the multidisciplinary evaluation team completes the initial evaluation written report early and there are at least 30 calendar days before the last day of school? When is the initial ARD committee meeting to be held?

When the school receives written consent within the 35 but less than 45 school day window found in §89.1011(e), the LEA must provide the written report to the parent by June 30 of the current year, and the ARD committee must meet not later than the 15th school day of the following year. If the district or charter school has at least 30 calendar days before the last day of school, it should make efforts to schedule an initial ARD committee meeting during that time, as that likely is in the student's best interest. However, for compliance purposes and where that is not possible, the district or charter school has until the 15th school day of the following year to hold the initial ARD committee meeting.