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| E – Special Education: Identification, Evaluation, and  Eligibility | **EHBAA** |
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| Special Programs - 2025 | |

**DRAFT**

**Identification**

South San Antonio ISD shall ensure that all children residing within the district who have disabilities, regardless of the severity of their disabilities, and who need special education and related services are identified, located, and evaluated. This requirement applies to:

1. Homeless children;
2. Children who are wards of the state;
3. Children attending private schools;
4. Highly mobile children (including migrant children); and
5. Children who are suspected of being in need of special education but who are advancing from grade to grade.

Students experiencing difficulty in the general classroom should be considered for all support services available to all students, such as tutorial; remedial; compensatory; response to evidence-based intervention; and other academic or behavior support services. A student is not required to be provided with interventions for any specific length of time prior to a referral being made or a Full Individual and Initial Evaluation (FIE) being conducted. If the student continues to experience difficulty in the general classroom with the provision of interventions, district personnel must refer the student for a FIE. A referral for a full individual and initial evaluation 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.

**Parental Request/Consent**

If a parent submits a written request to a district's director of special education services or to a district administrative employee for a full individual and initial evaluation/assessment of a student, the district shall, not later than the 15th school day after the date the district receives the request:

1. Provide the parent with prior written notice of its proposal to conduct an evaluation consistent with a copy of the procedural safeguards notice and an opportunity to give written consent for the evaluation; or
2. Provide the parent with prior written notice of its refusal to conduct an evaluation and a copy of the procedural safeguards notice.

The district will conduct a FIE before the initial provision of special education and related services.

Before the district conducts an initial evaluation, it shall make reasonable efforts to obtain informed parental consent.

If the parent does not provide consent for an initial evaluation, or if the parent fails to respond to a request to provide consent, a district may, but is not required to, pursue the initial evaluation by utilizing due process procedures, except to the extent inconsistent with state law relating to such parental consent.

Parental consent to initial evaluation shall not be construed as consent for placement for special education and related services.

**Time Frame for Completion of Final Report**

The district must complete the written report of a full individual and initial evaluation:

1. Not later than the 40th school day following the date on which the district receives written consent for the evaluation from the student's parent. If a student has been absent from school during that period on three or more school days, the period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent; or
2. For students under five years of age by September 1 of the school year and not enrolled in public school and for students enrolled in a private or homeschool setting, not later than the 40th school day following the date on which the district receives written consent for the evaluation from the student's parent.

If a district receives written consent for the evaluation from the student's parent at least 35 but less than 45 school days before the last instructional day of the school year, the written report of a full individual and initial evaluation of a student must be provided to the student's parent not later than June 30 of that year.

If a district receives written consent signed by a student's parent less than 25 school days before the last instructional day of the school year or if the district receives the written consent at least 35 but less than 45 school days before the last instructional day of the school year but the student is absent from school during that period on three or more days, the report must be completed not later than the 45th school day following the date the district received written consent, except that the period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent.

**Evaluations**

Evaluation instruments must not be culturally or racially discriminatory and must be administered per standardized procedures to prevent inappropriate evaluations for specific cultural groups. A variety of evaluation instruments and strategies are used to gather relevant functional and developmental information about the student, including information provided by the parent. All data is reviewed, interpreted, and compiled into an FIE Report.

The Evaluator determines the degree of evaluation needed in each area depending on the eligibility criteria for the suspected disability.

The area of language proficiency is evaluated first to determine the language to be used in further evaluation.

Tests and other evaluation materials include those tailored to evaluate specific areas of educational need and not merely those designed to provide a single general intelligence quotient.

Tests are selected and administered to ensure that the test results of a student who has impaired sensory, manual, or speaking skills, will accurately reflect the student's aptitude, achievement level, or whatever other factors the test purports to measure. This should not reflect the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

No single procedure should be used as the sole criterion for determining whether the student is a student with a disability or for determining an appropriate educational program for the student.

**Evaluation of the student covers all areas related to the suspected disability, including (where appropriate):**

* Health,
* Vision,
* Hearing,
* Social and emotional status,
* General intelligence,
* Academic performance,
* Communicative status, and
* Motor abilities.

The evaluation must be sufficiently comprehensive to identify all of the student's special education and related service(s) needs. The instruments used and strategies must provide relevant information that directly assists persons in determining the educational needs of the student.

All evaluation personnel are responsible for adhering to all auditable dates for initial evaluations, re-evaluations, and transfers where the student has been in Special Education in another district.

An FIE Evaluation Report of a student is written for purposes of special education services shall be completed not later than the 40th school day following the date on which the school district receives Written Consent for Evaluation, signed by the student's parent or legal guardian.

The ARD/IEP Committee meeting shall be completed no later than 25 calendar days following completion of the FIE.