

AIDING STUDENTS WHO HAVE LEARNING DIFFICULTIES OR WHO NEED SPECIAL EDUCATION OR SECTION 504 SERVICES

For those students who are having difficulty in the regular classroom, all school districts and open enrollment charter schools must consider tutorial, compensatory, and other academic or behavior support services that are available to all students, including a process based on Response to Intervention (RtI). The implementation of RtI has the potential to have a positive impact on the ability of districts and charter schools to meet the needs of all struggling students.

If a student is experiencing learning difficulties, his or her parent may contact the individual(s) listed below to learn about the school's overall general education referral or screening system for support services. This system links students to a variety of support options, including making a referral for a special education evaluation or for a Section 504 evaluation to determine if the student needs specific aids, accommodations, or services. A parent may request an evaluation for special education or Section 504 services at any time.

Special Education Referrals

If a parent makes a written request for an initial evaluation for special education services to the director of special education services or an administrative employee of the school district or open enrollment charter school, the district or charter school must respond no later than 10 school days after receiving the request. At that time, the district or charter school must give the parent a prior written notice of whether it agrees to or refuses to evaluate the student along with a copy of the Notice of Procedural Safeguards. If the school district or charter school agrees to evaluate the student, it must also give the parent the opportunity to give written consent for the evaluation.

Please note that a request for a special education evaluation may be made verbally and does not need to be in writing. 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.

If the district or charter school decides to evaluate the student, it must complete the student's initial evaluation and evaluation report no later than 45 school days from the day it receives a parent's written consent to evaluate the student. However, if the student is absent from school during the evaluation period for three or more school days, the evaluation period will be extended by the number of school days equal to the number of school days that the student is absent.

There is an exception to the 45-school-day timeline. If a district or charter school receives a parent's consent for the initial evaluation at least 35 but less than 45 school days before the last instructional day of the school year, it must complete the written report and provide a copy of the report to the parent by June 30 of that year. However, if the student is absent from school for three or more days during the evaluation period, the June 30th due date no longer applies. Instead, the general timeline of 45 school days plus extensions for absences of three or more days will apply. Upon completing the evaluation, the district or charter school must give the parent a copy of the evaluation report at no cost. Additional information regarding special education is available from the district or charter school in a companion document titled Parent's Guide to the Admission, Review, and Dismissal Process.

Contact Person for Special Education Referrals:

The designated person to contact regarding options for a student experiencing learning difficulties or regarding a referral for evaluation for special education services is:

Contact Person: Administrator for Special Education

Phone Number: 956-548-8400

Section 504 Referrals

Each school district or charter school must have standards and procedures in place for the evaluation and placement of students in the district's or charter school's Section 504 program. Districts and charter schools must also implement a system of procedural safeguards that includes notice, an opportunity for a parent or guardian to examine relevant

records, an impartial hearing with an opportunity for participation by the parent or guardian and representation by counsel, and a review procedure.

Contact Person for Section 504 Referrals

The designated person to contact regarding options for a student experiencing learning difficulties or regarding a referral for evaluation for Section 504 services is:

Contact Person: Administrator for §504/Dyslexia/RtI Phone Number: (956) 548-8679

Additional Information:

The following websites provide information and resources for students with disabilities and their families.

- Legal Framework for the Child-Centered Special Education Process
- Partners Resource Network
- Special Education Information Center
- Texas Project First

SPECIAL EDUCATION

Referral for Special Education - Full and Individual Evaluation

If a child continues to experience difficulty in the general classroom after RtI process, school personnel may refer the child for a Full and Individual Evaluation (FIE) for special education services. A referral for an FIE for special education services may be initiated by the parent, school personnel, or by another person involved in the education or care of your child.

Initial Evaluation

If the parent gives consent for an initial evaluation, the school will conduct an evaluation of the child in all areas of suspected disability to determine if the child has a disability and to determine his or her educational needs. The evaluation process for the child must:

- include information about the child's academic, developmental and functional performance,
- be administered by trained and knowledgeable personnel,
- be administered in the child's native language or other mode of communication, and
- be unbiased, or given in such a way so as not to discriminate against the child, regardless of his or her cultural background, race or disability.

Eligibility

The ARD committee must meet and make the eligibility determination. There is a two-part test for determining whether a child is eligible for special education and related services: 1) the child must have a disability, and 2) as a result of the disability, the child must need special education and related services to benefit from education. To meet the first part of the two-part test for eligibility, a child between the ages of 3 through 21, except as noted, must meet the criteria for one or more of the disability categories listed below:

- Auditory impairment (AI) (from birth);
- Orthopedic impairment;
- Autism;
- Other health impairment;
- Deaf-blindness (from birth);
- Specific learning disability;

- Emotional disturbance;
- Speech or language impairment
- Intellectual Disability;
- Traumatic brain injury;
- Multiple disabilities;
- Visual impairment (VI) (including blindness from birth)
- Non- categorical early childhood (ages 3 – 5);

Not all struggling learners are eligible for special education services. If the child's academic problems are primarily from a lack of appropriate instruction in reading or math or due to the fact that the child has limited English proficiency, the child is not eligible for special education services. If the evaluation reflects that the child does not have a disability, the campus Rtl team may meet and recommend other services or programs in general education to help the child.

If the evaluation shows that the child has a disability, the ARD committee must, then, address the second part of the two-part eligibility test by deciding whether the child needs special education and related services to benefit from education. If the child does not have an educational need for special education services, he or she is not eligible for any such services.

If the child qualifies for special education services, the school is required to provide a Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE). This is accomplished through the ARD committee's development of an Individual Education Program (IEP) and the school's implementation of the IEP. Before the school can provide any initial special education and related services, it must obtain parental consent for services. If the parent does not give consent to the initial provision of services, the school may not ask for mediation or request a due process hearing to override the parent's refusal to consent to services. No special education and related services will be provided if the parent refuses to provide written consent.

The preceding are excerpts from Parent's Guide to the Admission, Review and Dismissal Process April 2016. A full version can be found at <http://bisdspecialservices.wixsite.com/ss01> .

