

MANOR ISD SPECIAL EDUCATION

Operating Guidelines: Child Find—Transition to MISD Part B from Early Childhood Intervention (ECI) Part C Program

I. What's Required/Purpose

Manor ISD will ensure that children served in an Early Childhood Intervention (ECI) program under Part C of the IDEA who are transitioning to Manor ISD's Special Education program will experience a smooth transition to Part B services and, if it is determined that they are eligible, will receive Special Education services by their third birthday.

The Child Find requirement outlined in Part B of IDEA (the federal Special Education regulations) is designed to ensure that students ages three through twenty-one with disabilities who are residing in a local school district, regardless of the severity of their disabilities and who are in need of special education and/or related services will be identified, located, and evaluated.

In addition to students enrolled in the public schools, the Child Find duty extends to students who are homeless, wards of the State, or who are attending private schools. Manor ISD's process for complying with the Child Find requirement is described in *Operating Guidelines: Child Find—Process for Initial Referral for Special Education Services*.

The Child Find requirement guarantees that a free appropriate public education (FAPE) is available to all students with disabilities between the ages of three and 21. This responsibility rests with local school districts, through the Texas Education Agency (TEA). However, federal Special Education law, in Part C of IDEA, also requires that infants and toddlers with disabilities between the ages of birth and three years old are identified and served. The responsibility for Part C of IDEA rests with the Texas Department of Assistive and Rehabilitative Services (DARS) through the ECI program.

The process for transitioning children with disabilities under the age of three years from Part C to Part B is defined in a ***Memorandum of Understanding (MOU)*** between TEA and DARS. The MOU requires, in part, that:

- Children suspected of having auditory and/or visual impairments are entitled to FAPE from birth. Services for these children must be coordinated between the local ECI program and the school district, with specific evaluations conducted to confirm the presence of the auditory and/or visual impairment.
- The school district must conduct the Functional Vision Evaluation (FVE), Learning Media Assessment (LMA), and Orientation and Mobility Evaluation (OME) for children referred by ECI who are identified with a visual impairment and must conduct a communication assessment for children referred by ECI who are identified with an auditory impairment.
- If, as part of the school district's Child Find process, the district discovers children under the age of three who are suspected of having a disability, the district must refer the child to the local ECI program within 7 days of locating the child.
- ECI programs must determine if two-year-olds receiving services under Part C of IDEA are potentially eligible for preschool special education services under Part B of IDEA and must notify parents* of the potential referral to the local district and disclosure of information to the district (unless the parent opts out). If the parent does not opt out of the disclosure, **the ECI program must notify the**

MANOR ISD SPECIAL EDUCATION

Operating Guidelines: Child Find—Transition to MISD Part B from Early Childhood Intervention (ECI) Part C Program

district at least 90 days before the child's third birthday that the child is potentially eligible for special education services under Part B.

- When the district receives a notification from ECI regarding the potential eligibility of a child for Part B services, this constitutes a referral (i.e. a Child Find referral) that triggers the initial evaluation requirements under Part B. For Manor ISD, the Child Find process is described in *Operating Guidelines: Child Find—Process for Initial Referral for Special Education Services*.
- ECI programs must have in place procedures to **convene a transition conference not less than 90 days (and no more than nine months) before the child's third birthday** to discuss services the child might receive under Part B. The school district is required to participate in and document this transition conference.
- ECI programs must have in place procedures to **develop a transition plan for a child at least 90 days but potentially up to nine months before the child's third birthday**. The transition plan describes how the child's transition to a Part B program in the public school should be implemented. The school district is required to participate in the transition planning process.
- School districts have procedures to ensure that an IEP is developed and implemented for Part B-eligible children by their third birthday. The ARD Committee, in developing the initial Individualized Education Program (IEP) for the child, considers the Individual Family Services Plan (IFSP) developed by the ECI program and incorporates applicable elements of the plan into the initial IEP.

The entire MOU may be accessed at this link:

https://tea.texas.gov/Academics/Special_Student_Populations/Special_Education/Programs_and_Services/Early_Transition_Memorandum_of_Understanding/

In compliance with federal and state requirements, Manor ISD will conduct a full and individual initial evaluation (FIE) before the initial provision of special education and/or related services to a child with a disability who is transitioning from Part C, ECI. The purpose of the evaluation is to determine if the child is a child with a disability under the Individuals with Disabilities Education Act (IDEA) and to determine the educational needs of the child.

The initial evaluation **must be completed within 45 school days of receiving parental consent** for the evaluation. The FIE must be conducted according to procedures outlined in federal and state regulations covering evaluation instruments, areas to be evaluated, specialists involved in the evaluation, and completion of the written report.

An **ARD Committee must be held within 30 calendar days of completion of the FIE** to determine the student's eligibility for SpEd services and, if eligible, develop an IEP. Refer to *Operating Guidelines: Preparing for and Conducting ARD Meetings* for actions and requirements related to the ARD process in Manor ISD.

**For purposes of this Operating Guideline, "parent" is defined as: The biological or adoptive parent of a child; A foster parent of a child who meets the requirements set forth in rule; A guardian (but not the state if the*

MANOR ISD SPECIAL EDUCATION

Operating Guidelines: Child Find—Transition to MISD Part B from Early Childhood Intervention (ECI) Part C Program

child is a ward of the state); An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, An individual who is legally responsible for the child's welfare; or An individual assigned to be a surrogate parent

II. How Compliance Is Monitored

A. State Performance Plan indicators:

- **Indicator #11- Child Find**—The percent of children who were evaluated within the state established timeline after receiving informed, written parental consent to evaluate. The data collection period is July 1 to June 30 of each year. All students, ages 3-21, who were evaluated, had their eligibility determined and had an individualized education program (IEP) developed between July 1 and June 30 should be reported each year during the SPP 11 submission window. Indicator 11 refers to “initial” eligibility determinations made for students ages 3-21.
- **Indicator #12—Early Childhood Transition**--The percentage of students referred by Part C/Early Childhood Intervention (ECI) prior to age 3 who are found eligible for Part B/District Special Education Services and who have an IEP (Individualized Education Program) developed and implemented by their third birthday.

B. Internal database tracking timelines for referral, consent, completion of FIE, date of initial ARD meeting, initial provision of services, and other applicable timelines

C. Monthly internal folder reviews including analysis of initial referrals and completion of evaluations within established timelines

III. Manor ISD Procedures: How It’s Done

The process in Manor ISD for ensuring that, under the Memorandum of Understanding between TEA and DARS and the Part B Child Find requirement, children with disabilities who are served in an ECI program and are transitioning to Manor ISD’s Part B special education program are identified, located, and evaluated in a timely manner and according to the requirements set forth in the MOU, is as follows:

Action	Person(s) Responsible	Timeline
1. Each week, the SpEd Coordinator responsible for ECI contacts the local ECI program(s) and follows the agreed-upon script (see Resources) to determine: a. Whether the ECI program is currently serving students who are 26-27 months of age,	SpEd Coordinator responsible for ECI	Weekly

MANOR ISD SPECIAL EDUCATION
Operating Guidelines: Child Find—Transition to MISD Part B from Early Childhood Intervention (ECI) Part C Program

Action	Person(s) Responsible	Timeline
b. When each of the students in 1a turns 3 years of age, and c. Whether the ECI program is serving students with auditory and/or visual impairments		
2. The SpEd Coordinator responsible for ECI enters information gathered in Step 1 into the district's database of ECI/2-year-olds for access by district PPCD assessment staff	SpEd Coordinator responsible for ECI	Weekly
3. District PPCD assessment staff begin to collect data and information on ECI students who are 26 or 27 months of age, in preparation for the ECI/District Transition Meeting a. PPCD assessment staff review the Battel Diagnostic Inventory (BDI) for each student who is 27 months of age b. Based on the review, PPCD assessment staff determine which members of PPCD Core Assessment Team** should be invited to the ECI/District Transition Meeting c. **PPCD Core Assessment Team includes the PPCD assessment person, OT, PT, SLP, and AI and/or VI teacher (if applicable)	District PPCD assessment staff	Prior to 90-day ECI/District Transition Meeting for students ages 26-27 months
4. The ECI/District Transition Meeting is held at Manor ISD a. Participants include MISD PPCD Core Assessment Team, ECI representative, and student's parent b. Purpose is to: i. Describe MISD SpEd services to parent	MISD PPCD Core Assessment Team, ECI representative, and student's parent	90 days prior to student's 3 rd birthday

MANOR ISD SPECIAL EDUCATION
Operating Guidelines: Child Find—Transition to MISD Part B from Early Childhood Intervention (ECI) Part C Program

Action	Person(s) Responsible	Timeline
ii. Hear parental concerns and issues iii. Review information about the student iv. Determine if parent wants to proceed with district assessment to determine student's eligibility for SpEd services		
5. If the district recommends evaluation and the parent agrees, the assessment staff member: a. Explains the <i>Notice of Proposal to Evaluate</i>, including a review of all areas to be assessed and specific concerns to be addressed in the assessment b. Provides copies of <i>Explanation of Procedural Safeguards</i> and the <i>Guide to the Admission, Review, and Dismissal Process</i>, reviews the documents with the parent, and obtains parental signatures for receipt of these documents c. Explains the assessment process and obtains parental consent/ signature on the <i>Consent for Full and Individual Evaluation</i> form d. Explains and completes the <i>Consent for Disclosure of Confidential Information</i> form and obtains parental signature on this form e. Explains and obtains parental signature on the <i>Parent Consent to Access SHARS Benefits and Release Records</i> form (Note:	Assessment team staff member	During transition meeting

MANOR ISD SPECIAL EDUCATION
Operating Guidelines: Child Find—Transition to MISD Part B from Early Childhood Intervention (ECI) Part C Program

Action	Person(s) Responsible	Timeline
this form must be completed and signed even if the student does not currently receive Medicaid benefits) f. Completes the <i>Educational Screening/Existing Evaluation Data—Information from Parent/Adult Student</i> form with the parent and obtains parent signature on page 3 of 3 g. Invites parent to the assessment using the invitation card (see Resources section)		
6. The SpEd Coordinator responsible for ECI notifies the SPED PEIMS Specialist to create a student account in eSped and notifies appropriate assessment personnel that the account has been created	SpEd Coordinator responsible for ECI	Within 48 hours of meeting in which the team determined that SpEd assessment warranted (from Step 4)
7. The PPCD Core Assessment Team conducts the evaluation in a group setting (preferably play-based) a. Results of the evaluation are reviewed with parent prior to initial ARD meeting	PPCD Core Assessment Team	The evaluation is completed within 45 school days from receiving consent ARD meeting to review the evaluation is held within 30 calendar days of the FIE's completion NOTE: timeline may be accelerated to ensure that evaluations are completed and initial ARD is held to ensure that services are provided on the child's third birthday
8. The initial ARD meeting is held following the <i>Operating Guidelines: Properly Constituted ARD</i> and the <i>Operating Guidelines: Preparing for and Conducting ARD Meetings</i> a. The ARD Committee must consider the child's IFSP content related to the natural	ARD Committee	Prior to child's 3 rd birthday

MANOR ISD SPECIAL EDUCATION
Operating Guidelines: Child Find—Transition to MISD Part B from Early Childhood Intervention (ECI) Part C Program

Action	Person(s) Responsible	Timeline
environments statement when developing the initial IEP of a child transitioning from Part C to Part B services		
9. If the child qualifies for SpEd services, the services must begin on the child's 3rd birthday, unless the child's 3rd birthday occurs during the summer a. The ARD Committee determines the start date of the IEP if the child's 3rd birthday occurs during the summer b. Services must begin on the first day of school, or earlier as determined and stated on the IEP	ARD Committee	On the child's 3 rd birthday, or on the first day of school if the child's 3 rd birthday occurs during the summer

IV. Resources and Attachments, Legal Requirements

A. Resources

- Script for Contacting ECI Program(s)
- *SPP Indicator 11: Child Find (Compliance with Initial Evaluation Timelines) Frequently Asked Questions*—Texas Education Agency
- *SPP Indicator 12: Early Childhood Transition Frequently Asked Questions*—Texas Education Agency
- Manor ISD Child Find brochure
- Child Find Flow Chart
- *Memorandum of Understanding: The Department of Assistive and Rehabilitative Services and the Texas Education Agency*
https://tea.texas.gov/Academics/Special_Student_Populations/Special_Education/Programs_and_Services/Early_Transition_Memorandum_of_Understanding/

MANOR ISD SPECIAL EDUCATION

Operating Guidelines: Child Find—Transition to MISD Part B from Early Childhood Intervention (ECI) Part C Program

B. Legal Requirements

Federal Regulations	Texas Administrative Code (TAC)
§ 300.301 Initial evaluations. (a) <i>General.</i> Each public agency must conduct a full and individual initial evaluation, in accordance with §§ 300.305 and 300.306, before the initial provision of special education and related services to a child with a disability under this part. (b) <i>Request for initial evaluation.</i> Consistent with the consent requirements in § 300.300, either a parent of a child or a public agency may initiate a request for an initial evaluation to determine if the child is a child with a disability. (c) <i>Procedures for initial evaluation.</i> The initial evaluation— (1) (i) Must be conducted within 60 days of receiving parental consent for the evaluation; or (ii) If the State establishes a timeframe within which the evaluation must be conducted, within that timeframe; and (2) Must consist of procedures— (i) To determine if the child is a child with a disability under § 300.8; and (ii) To determine the educational needs of the child. (d) <i>Exception.</i> The timeframe described in paragraph (c)(1) of this section does not apply to a public agency if— (1) The parent of a child repeatedly fails or refuses to produce the child for the evaluation; or (2) A child enrolls in a school of another public agency after the relevant timeframe in paragraph (c)(1) of this section has begun, and prior to a determination by the child's previous public agency as to whether the child is a child with a disability under § 300.8. (e) The exception in paragraph (d)(2) of this section applies only if the subsequent public agency is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent public agency agree to a specific time when the evaluation will be completed. § 300.8 Child with a disability. [Excerpt] (c) Definitions of disability terms. The <i>terms</i> used in this definition of a child with a disability are defined as follows: (1) (i) <i>Autism</i> means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. (ii) Autism does not apply if a child's educational	§ 89.1011 Full Individual Initial Evaluation. (a) Referral of students for a full individual and initial evaluation for possible special education services must be a part of the district's overall, general education referral or screening system. Prior to referral, 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 scientific, research-based intervention; and other academic or behavior support services. If the student continues to experience difficulty in the general classroom after the provision of interventions, district personnel must refer the student for a full individual and initial evaluation. This referral for a full individual and initial evaluation may be initiated by school personnel, the student's parents or legal guardian, or another person involved in the education or care of the student. (b) If a parent submits a written request to a school district's director of special education services or to a district administrative employee for a full individual and initial evaluation of a student, the school district must, 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 34 Code of Federal Regulations (CFR), §300.503; a copy of the procedural safeguards notice required by 34 CFR, §300.504; 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 consistent with 34 CFR; §300.503, and a copy of the procedural safeguards notice required by 34 CFR; §300.504. Except as otherwise provided in this section, a written report of a full individual and initial evaluation of a student must be completed as follows: (c) Except as otherwise provided in this section, a written report of a full individual and initial evaluation of a student must be completed as follows: (1) not later than the 45th school day following the date on which the school district receives written consent for the evaluation from the student's parent, except that if a student has been absent from school during that period on three or more school days, that 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 home school setting, not later than the 45th school day following the date on which the school district receives written consent for the evaluation from the student's parent. (d) The admission, review, and dismissal (ARD) committee must make its decisions regarding a student's initial eligibility

MANOR ISD SPECIAL EDUCATION
Operating Guidelines: Child Find—Transition to MISD Part B from Early
Childhood Intervention (ECI) Part C Program

Federal Regulations	Texas Administrative Code (TAC)
performance is adversely affected primarily because the child has an emotional disturbance, as defined in paragraph (c)(4) of this section. (iii) A child who manifests the characteristics of autism after age three could be identified as having autism if the criteria in paragraph (c)(1)(i) of this section are satisfied. (2) <i>Deaf-blindness</i> means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness. (3) <i>Deafness</i> means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification that adversely affects a child's educational performance. (4) (i) <i>Emotional disturbance</i> means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance: (A) An inability to learn that cannot be explained by intellectual, sensory, or health factors. (B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers. (C) Inappropriate types of behavior or feelings under normal circumstances. (D) A general pervasive mood of unhappiness or depression. (E) A tendency to develop physical symptoms or fears associated with personal or school problems. (ii) Emotional disturbance includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance under paragraph (c)(4)(i) of this section. (5) <i>Hearing impairment</i> means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness in this section. (6) <i>Intellectual disability</i> means significantly sub-average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance (7) <i>Multiple disabilities</i> means concomitant impairments (such as mental retardation-blindness or mental retardation-orthopedic impairment), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments.	determination and, if appropriate, individualized education program (IEP) and placement within 30 calendar days from the date of the completion of the written full individual and initial evaluation report. If the 30th day falls during the summer and school is not in session, the student's ARD committee has until the first day of classes in the fall to finalize decisions concerning the student's initial eligibility determination, IEP, and placement, unless the full individual and initial evaluation indicates that the student will need extended school year services during that summer. (e) Notwithstanding the timelines in subsections (c) and (d) of this section, if the school district received the 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. The student's ARD committee must meet not later than the 15th school day of the following school year to consider the evaluation. If, however, the student was absent from school three or more days between the time that the school district received written consent and the last instructional day of the school year, the timeline in subsection (c)(1) of this section applies to the date the written report of the full individual and initial evaluation is required. If an initial evaluation completed not later than June 30 indicates that the student will need extended school year services during that summer, the ARD committee must meet as expeditiously as possible. (f) If a student was in the process of being evaluated for special education eligibility by a school district and enrolls in another school district before the previous school district completed the full individual and initial evaluation, the new school district must coordinate with the previous school district as necessary and as expeditiously as possible to ensure a prompt completion of the evaluation in accordance with 34 CFR, §300.301(d)(2) and §300.304(c)(5). The timelines in subsections (c) and (e) of this section do not apply in such a situation if: (1) the new school district is making sufficient progress to ensure a prompt completion of the evaluation; and (2) the parent and the new school district agree to a specific time when the evaluation will be completed. (g) For purposes of subsections (b), (c), and (e) of this section, <i>school day</i> 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. (h) For purposes of subsections (c)(1) and (e) of this section, 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 at the alternate attendance taking time set for that student. A student is considered in attendance if the student is off campus participating in an activity that is approved by the school board and is under the direction of a professional staff member of the school district, or an adjunct staff member who has a minimum of a bachelor's degree and is eligible for participation in the Teacher Retirement System of Texas. § 89.1040 Eligibility Criteria. [Excerpt]

MANOR ISD SPECIAL EDUCATION
Operating Guidelines: Child Find—Transition to MISD Part B from Early
Childhood Intervention (ECI) Part C Program

Federal Regulations	Texas Administrative Code (TAC)
Multiple disabilities does not include deaf-blindness. (8) <i>Orthopedic impairment</i> means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by a congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures). (9) <i>Other health impairment</i> means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that— (i) Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and (ii) Adversely affects a child's educational performance. (10) <i>Specific learning disability</i>— (i) <i>General.</i> Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. (ii) <i>Disorders not included.</i> Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage. (11) <i>Speech or language impairment</i> means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance. (12) <i>Traumatic brain injury</i> means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.	(c) Eligibility definitions. (1) Autism. A student with autism is one who has been determined to meet the criteria for autism as stated in 34 CFR, §300.8(c)(1). Students with pervasive developmental disorders are included under this category. The team's written report of evaluation must include specific recommendations for behavioral interventions and strategies. (2) Deaf-blindness. A student with deaf-blindness is one who has been determined to meet the criteria for deaf-blindness as stated in 34 CFR, §300.8(c)(2). In meeting the criteria stated in 34 CFR, §300.8(c)(2), a student with deaf-blindness is one who, based on the evaluations specified in subsections (c)(3) and (c)(12) of this section: (A) meets the eligibility criteria for auditory impairment specified in subsection (c)(3) of this section and visual impairment specified in subsection (c)(12) of this section; (B) meets the eligibility criteria for a student with a visual impairment and has a suspected hearing loss that cannot be demonstrated conclusively, but a speech/language therapist, a certified speech and language therapist, or a licensed speech language pathologist indicates there is no speech at an age when speech would normally be expected; (C) has documented hearing and visual losses that, if considered individually, may not meet the requirements for auditory impairment or visual impairment, but the combination of such losses adversely affects the student's educational performance; or (D) has a documented medical diagnosis of a progressive medical condition that will result in concomitant hearing and visual losses that, without special education intervention, will adversely affect the student's educational performance. (3) Auditory impairment. A student with an auditory impairment is one who has been determined to meet the criteria for deafness as stated in 34 CFR, §300.8(c)(3), or for hearing impairment as stated in 34 CFR, §300.8(c)(5). The evaluation data reviewed by the multidisciplinary team in connection with the determination of a student's eligibility based on an auditory impairment must include an otological examination performed by an otolaryngologist or by a licensed medical doctor, with documentation that an otolaryngologist is not reasonably available, and an audiological evaluation performed by a licensed audiologist. The evaluation data must include a description of the implications of the hearing loss for the student's hearing in a variety of circumstances with or without recommended amplification. (4) Emotional disturbance. A student with an emotional disturbance is one who has been determined to meet the criteria for emotional disturbance as stated in 34 CFR, §300.8(c)(4). The written report of evaluation must include

MANOR ISD SPECIAL EDUCATION
Operating Guidelines: Child Find—Transition to MISD Part B from Early
Childhood Intervention (ECI) Part C Program

Federal Regulations	Texas Administrative Code (TAC)
(13) <i>Visual impairment including blindness</i> means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.	specific recommendations for behavioral supports and interventions. (5) Intellectual disability. A student with an intellectual disability is one who has been determined to meet the criteria for an intellectual disability as stated in 34 CFR, §300.8(c)(6). In meeting the criteria stated in 34 CFR, §300.8(c)(6), a student with an intellectual disability is one who: (A) has been determined to have significantly sub-average intellectual functioning as measured by a standardized, individually administered test of cognitive ability in which the overall test score is at least two standard deviations below the mean, when taking into consideration the standard error of measurement of the test; and (B) concurrently exhibits deficits in at least two of the following areas of adaptive behavior: communication, self-care, home living, social/interpersonal skills, use of community resources, self-direction, functional academic skills, work, leisure, health, and safety. (6) Multiple disabilities. (A) A student with multiple disabilities is one who has been determined to meet the criteria for multiple disabilities as stated in 34 CFR, §300.8(c)(7). In meeting the criteria stated in 34 CFR, §300.8(c)(7), a student with multiple disabilities is one who has a combination of disabilities defined in this section and who meets all of the following conditions: (i) the student's disability is expected to continue indefinitely; and (ii) the disabilities severely impair performance in two or more of the following areas: (I) psychomotor skills; (II) self-care skills; (III) communication; (IV) social and emotional development; or (V) cognition. (B) Students who have more than one of the disabilities defined in this section but who do not meet the criteria in subparagraph (A) of this paragraph must not be classified or reported as having multiple disabilities. (7) Orthopedic impairment. A student with an orthopedic impairment is one who has been determined to meet the criteria for orthopedic impairment as stated in 34 CFR, §300.8(c)(8). The multidisciplinary team that collects or reviews evaluation data in connection with the determination of a student's eligibility based on an orthopedic impairment must include a licensed physician. (8) Other health impairment. A student with other health impairment is one who has been determined to meet the criteria for other health impairment due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes,

MANOR ISD SPECIAL EDUCATION
Operating Guidelines: Child Find—Transition to MISD Part B from Early
Childhood Intervention (ECI) Part C Program

Federal Regulations	Texas Administrative Code (TAC)
	epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette's Disorder as stated in 34 CFR, §300.8(c)(9). The multidisciplinary team that collects or reviews evaluation data in connection with the determination of a student's eligibility based on other health impairment must include a licensed physician. (9) Learning disability. (A) Prior to and as part of the evaluation described in subparagraph (B) of this paragraph and CFR, §§300.307-300.311, and in order to ensure that underachievement in a student suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or mathematics, the following must be considered: (i) data that demonstrates the student was provided appropriate instruction in reading (as described in 20 <u>United States Code (USC)</u>, §6368(3)), and/or mathematics within general education settings delivered by qualified personnel; and (ii) data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal evaluation of student progress during instruction. Data-based documentation of repeated assessments may include, but is not limited to, response to intervention progress monitoring results, in-class tests on grade-level curriculum, or other regularly administered assessments. Intervals are considered reasonable if consistent with the assessment requirements of a student's specific instructional program. (B) A student with a learning disability is one who: (i) has been determined through a variety of assessment tools and strategies to meet the criteria for a specific learning disability as stated in 34 CFR, §300.8(c)(10), in accordance with the provisions in 34 CFR, §§300.307-300.311; and (ii) does not achieve adequately for the student's age or meet state-approved grade-level standards in oral expression, listening comprehension, written expression, basic reading skill, reading fluency skills, reading comprehension, mathematics calculation, or mathematics problem solving when provided appropriate instruction, as indicated by performance on multiple measures such as in-class tests; grade average over time (e.g. six weeks, semester); norm- or criterion-referenced tests; statewide assessments; or a process based on the student's response to scientific, research-based intervention; and (I) does not make sufficient progress when provided a process based on the

MANOR ISD SPECIAL EDUCATION
Operating Guidelines: Child Find—Transition to MISD Part B from Early Childhood Intervention (ECI) Part C Program

Federal Regulations	Texas Administrative Code (TAC)
	student's response to scientific, research-based intervention (as defined in 20 USC, §7801(37)), as indicated by the student's performance relative to the performance of the student's peers on repeated, curriculum-based assessments of achievement at reasonable intervals, reflecting student progress during classroom instruction; or (II) exhibits a pattern of strengths and weaknesses in performance, achievement, or both relative to age, grade-level standards, or intellectual ability, as indicated by significant variance among specific areas of cognitive function, such as working memory and verbal comprehension, or between specific areas of cognitive function and academic achievement. (10) Speech impairment. A student with a speech impairment is one who has been determined to meet the criteria for speech or language impairment as stated in 34 CFR, §300.8(c)(11). The multidisciplinary team that collects or reviews evaluation data in connection with the determination of a student's eligibility based on a speech impairment must include a certified speech and hearing therapist, a certified speech and language therapist, or a licensed speech/language pathologist. (11) Traumatic Brain Injury. A student with a traumatic brain injury is one who has been determined to meet the criteria for traumatic brain injury as stated in 34 CFR, §300.8(c)(12). The multidisciplinary team that collects or reviews evaluation data in connection with the determination of a student's eligibility based on a traumatic brain injury must include a licensed physician, in addition to the licensed or certified practitioners specified in subsection (b)(1) of this section. (12) Visual impairment. (A) A student with a visual impairment is one who has been determined to meet the criteria for visual impairment as stated in 34 CFR, §300.8(c)(13). The visual loss should be stated in exact measures of visual field and corrected visual acuity at a distance and at close range in each eye in a report by a licensed ophthalmologist or optometrist. The report should also include prognosis whenever possible. If exact measures cannot be obtained, the eye specialist must so state and provide best estimates. In meeting the criteria stated in 34 CFR, §300.8(c)(13), a student with a visual impairment is one who: i. has been determined by a licensed ophthalmologist or optometrist: 1. to have no vision or to have a serious visual loss after correction; or 2. to have a progressive medical condition that will result in no vision or a serious

MANOR ISD SPECIAL EDUCATION
Operating Guidelines: Child Find—Transition to MISD Part B from Early Childhood Intervention (ECI) Part C Program

Federal Regulations	Texas Administrative Code (TAC)
	visual loss after correction; and ii. has been determined by the following evaluations to have a need for special services: 1. a functional vision evaluation by a certified teacher of students with visual impairments or a certified orientation and mobility specialist. The evaluation must include the performance of tasks in a variety of environments requiring the use of both near and distance vision and recommendations concerning the need for a clinical low vision evaluation; and 2. a learning media assessment by a professional certified in the education of students with visual impairments. The learning media assessment must include recommendations concerning which specific visual, tactual, and/or auditory learning media are appropriate for the student and whether or not there is a need for ongoing evaluation in this area. (B) A student with a visual impairment is functionally blind if, based on the preceding evaluations, the student will use tactual media (which includes braille) as a primary tool for learning to be able to communicate in both reading and writing at the same level of proficiency as other students of comparable ability. (C) Beginning with the 2014-2015 school year, a full individual and initial evaluation of a student suspected of having a visual impairment must include an orientation and mobility evaluation conducted by a person who is appropriately certified as an orientation and mobility specialist and must be conducted in a variety of lighting conditions and in a variety of settings, including in the student's home, school, and community and in settings unfamiliar to the student. (D) Beginning with the 2014-2015 school year, a person who is appropriately certified as an orientation and mobility specialist must participate, as part of a multidisciplinary team, in evaluating data used in making the determination of the student's eligibility as a student with a visual impairment. (E) Beginning with the 2014-2015 school year, the scope of any reevaluation of a student who has been determined, after the full individual and initial evaluation, to be eligible for the district's special education program on the basis of a visual impairment must be determined, in accordance with 34 CRF, §§300.122 and 300.303 – 300.311, by a multidisciplinary team that includes an appropriately certified orientation and mobility

MANOR ISD SPECIAL EDUCATION
Operating Guidelines: Child Find—Transition to MISD Part B from Early Childhood Intervention (ECI) Part C Program

Federal Regulations	Texas Administrative Code (TAC)
	specialist. (13) Noncategorical. A student between the ages of 3-5 who is evaluated as having an intellectual disability, an emotional disturbance, a specific learning disability, or autism may be described as noncategorical early childhood.
§ 300.124 Transition of children from the Part C program to preschool programs. The State must have in effect policies and procedures to ensure that— (a) Children participating in early intervention programs assisted under Part C of the Act, and who will participate in preschool programs assisted under Part B of the Act, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(9) of the Act; (b) By the third birthday of a child described in paragraph (a) of this section, an IEP or, if consistent with §300.323(b) and section 636(d) of the Act, an IFSP, has been developed and is being implemented for the child consistent with §300.101(b); and (c) Each affected LEA will participate in transition planning conferences arranged by the designated lead agency under section 635(a)(10) of the Act. (Authority: 20 U.S.C. 1412(a)(9)) Last Amended: 71 FR 46766, Aug. 14, 2006	
§ 300.303 Reevaluations. (a) <i>General.</i> A public agency must ensure that a reevaluation of each child with a disability is conducted in accordance with §§ 300.304 through 300.311— (1) If the public agency determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or (2) If the child’s parent or teacher requests a reevaluation. (b) <i>Limitation.</i> A reevaluation conducted under paragraph (a) of this section— (1) May occur not more than once a year, unless the parent and the public agency agree otherwise; and (2) Must occur at least once every 3 years, unless the parent and the public agency agree that a reevaluation is unnecessary.	
§ 300.304 Evaluation Procedures. (a) <i>Notice.</i> The public agency must provide notice to the parents of a child with a disability, in accordance with § 300.503, that describes any evaluation procedures the agency proposes to conduct. (b) <i>Conduct of evaluation.</i> In conducting the evaluation, the public agency must— (1) Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent, that may assist in	

MANOR ISD SPECIAL EDUCATION
Operating Guidelines: Child Find—Transition to MISD Part B from Early
Childhood Intervention (ECI) Part C Program

Federal Regulations	Texas Administrative Code (TAC)
determining— (i) Whether the child is a child with a disability under § 300.8; and (ii) The content of the child’s IEP, including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities); (2) Not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child; and (3) Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. (c) <i>Other evaluation procedures.</i> Each public agency must ensure that— (1) Assessments and other evaluation materials used to assess a child under this part— (i) Are selected and administered so as not to be discriminatory on a racial or cultural basis; (ii) Are provided and administered in the child’s native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer; (iii) Are used for the purposes for which the assessments or measures are valid and reliable; (iv) Are administered by trained and knowledgeable personnel; and (v) Are administered in accordance with any instructions provided by the producer of the assessments. (2) Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient. (3) Assessments are selected and administered so as best to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child’s aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child’s impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure). (4) The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities; (5) Assessments of children with disabilities who transfer from one public agency to another public agency in the same school year are coordinated with those children’s prior and subsequent schools, as necessary and as expeditiously as possible, consistent with §300.301(d)(2)	

MANOR ISD SPECIAL EDUCATION
Operating Guidelines: Child Find—Transition to MISD Part B from Early
Childhood Intervention (ECI) Part C Program

Federal Regulations	Texas Administrative Code (TAC)
<p>and (e), to ensure prompt completion of full evaluations.</p> <p>(6) In evaluating each child with a disability under §§300.304 through 300.306, the evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.</p> <p>(7) Assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided.</p> <p>§ 300.305 Additional requirements for evaluations and reevaluations.</p> <p>(a) <i>Review of existing evaluation data.</i> As part of an initial evaluation (if appropriate) and as part of any reevaluation under this part, the IEP Team and other qualified professionals, as appropriate, must—</p> <p>(1) Review existing evaluation data on the child, including—</p> <p class="margin-left: 40px;">(i) Evaluations and information provided by the parents of the child;</p> <p class="margin-left: 40px;">(ii) Current classroom-based, local, or State assessments, and classroom-based observations; and</p> <p class="margin-left: 40px;">(iii) Observations by teachers and related services providers; and</p> <p>(2) On the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine—</p> <p class="margin-left: 40px;">(i)</p> <p class="margin-left: 80px;">(A) Whether the child is a child with a disability, as defined in § 300.8, and the educational needs of the child; or</p> <p class="margin-left: 80px;">(B) In case of a reevaluation of a child, whether the child continues to have such a disability, and the educational needs of the child;</p> <p class="margin-left: 40px;">(ii) The present levels of academic achievement and related developmental needs of the child;</p> <p class="margin-left: 40px;">(iii)</p> <p class="margin-left: 80px;">(A) Whether the child needs special education and related services; or</p> <p class="margin-left: 80px;">(B) In the case of a reevaluation of a child, whether the child continues to need special education and related services; and</p> <p class="margin-left: 40px;">(iv) Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general education curriculum.</p> <p>(b) <i>Conduct of review.</i> The group described in paragraph (a) of this section may conduct its review without a meeting.</p> <p>(c) <i>Source of data.</i> The public agency must administer such assessments and other evaluation measures as may be needed to produce the data identified under paragraph (a) of this</p>	

MANOR ISD SPECIAL EDUCATION
Operating Guidelines: Child Find—Transition to MISD Part B from Early
Childhood Intervention (ECI) Part C Program

Federal Regulations	Texas Administrative Code (TAC)
section. (d) <i>Requirements if additional data are not needed.</i> (1) If the IEP Team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the child continues to be a child with a disability, and to determine the child's educational needs, the public agency must notify the child's parents of— (2) (i) That determination and the reasons for the determination; and (ii) The right of the parents to request an assessment to determine whether the child continues to be a child with a disability, and to determine the child's educational needs. (3) The public agency is not required to conduct the assessment described in paragraph (d)(1)(ii) of this section unless requested to do so by the child's parents. (e) <i>Evaluations before change in eligibility.</i> (1) Except as provided in paragraph (e)(2) of this section, a public agency must evaluate a child with a disability in accordance with §§ 300.304 through 300.311 before determining that the child is no longer a child with a disability. (2) The evaluation described in paragraph (e)(1) of this section is not required before the termination of a child's eligibility under this part due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for FAPE under State law. (3) For a child whose eligibility terminates under circumstances described in paragraph (e)(2) of this section, a public agency must provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.	
§ 300.306 Determination of eligibility. (a) <i>General.</i> Upon completion of the administration of assessments and other evaluation measures— (1) A group of qualified professionals and the parent of the child determines whether the child is a child with a disability, as defined in § 300.8, in accordance with paragraph (b) of this section and the educational needs of the child; and (2) The public agency provides a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent (b) <i>Special rule for eligibility determination.</i> A child must not be determined to be a child with a disability under this part— (1) If the determinant factor for that determination is— (i) Lack of appropriate instruction in reading, including the essential components of reading instruction (as defined in section 1208(3) of the ESEA); (ii) Lack of appropriate instruction in math; or	

MANOR ISD SPECIAL EDUCATION
Operating Guidelines: Child Find—Transition to MISD Part B from Early
Childhood Intervention (ECI) Part C Program

Federal Regulations	Texas Administrative Code (TAC)
(iii) Limited English proficiency; and (2) If the child does not otherwise meet the eligibility criteria under §300.8(a). (c) <i>Procedures for determining eligibility and educational need.</i> (1) In interpreting evaluation data for the purpose of determining if a child is a child with a disability under §300.8, and the educational needs of the child, each public agency must— (i) Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child’s physical condition, social or cultural background, and adaptive behavior; and (ii) Ensure that information obtained from all of these sources is documented and carefully considered. (2) If a determination is made that a child has a disability and needs special education and related services, an IEP must be developed for the child in accordance with §§ 300.320 through 300.324.	
§ 300.307 Specific learning disabilities. (a) <i>General.</i> A State must adopt, consistent with §300.309, criteria for determining whether a child has a specific learning disability as defined in §300.8(c)(10). In addition, the criteria adopted by the State— (1) Must not require the use of a severe discrepancy between intellectual ability and achievement for determining whether a child has a specific learning disability, as defined in § 300.8(c)(10); (2) Must permit the use of a process based on the child’s response to scientific, research-based intervention; and (3) May permit the use of other alternative research-based procedures for determining whether a child has a specific learning disability, as defined in § 300.8(c)(10). (b) <i>Consistency with State criteria.</i> A public agency must use the State criteria adopted pursuant to paragraph (a) of this section in determining whether a child has a specific learning disability. § 300.308 Additional group members. The determination of whether a child suspected of having a specific learning disability is a child with a disability as defined in § 300.8, must be made by the child’s parents and a team of qualified professionals, which must include— (a) (1) The child’s regular teacher; or (2) If the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age; or (3) For a child of less than school age, an individual qualified by the SEA to teach a child of his or her age; and (b) At least one person qualified to conduct <i>individual diagnostic</i>	

MANOR ISD SPECIAL EDUCATION
Operating Guidelines: Child Find—Transition to MISD Part B from Early
Childhood Intervention (ECI) Part C Program

Federal Regulations	Texas Administrative Code (TAC)
examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher. § 300.309 Determining the existence of a specific learning disability. (a) The group described in § 300.306 may <i>determine</i> that a child has a specific learning disability, as defined in § 300.8(c)(10), if— (1) The child does not achieve adequately for the child’s age or to meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the child’s age or State-approved grade-level standards: (i) Oral expression. (ii) Listening comprehension. (iii) Written expression. (iv) Basic reading skill. (v) Reading fluency skills. (vi) Reading comprehension. (vii) Mathematics calculation. (viii) Mathematics problem solving. (2) (i) The child does not make sufficient progress to meet age or State-approved grade-level standards in one or more of the areas identified in paragraph (a)(1) of this section when using a process based on the child’s response to scientific, research-based intervention; or (ii) The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade-level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments, consistent with §§300.304 and 300.305; and (3) The group determines that its findings under paragraphs (a)(1) and (2) of this section are not primarily the result of— (i) A visual, hearing, or motor disability; (ii) Mental retardation; (iii) Emotional disturbance; (iv) Cultural factors; (v) Environmental or economic disadvantage; or (vi) Limited English proficiency. (b) To ensure that underachievement in a child suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group must consider, as part of the evaluation described in §§ 300.304 through 300.306— (1) Data that demonstrate that prior to, or as a part of, the referral process, the child was provided appropriate instruction in regular education settings, delivered by qualified personnel; and	

MANOR ISD SPECIAL EDUCATION
Operating Guidelines: Child Find—Transition to MISD Part B from Early
Childhood Intervention (ECI) Part C Program

Federal Regulations	Texas Administrative Code (TAC)
(2) Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the child's parents. (c) The public agency must promptly request <i>parental</i> consent to evaluate the child to determine if the child needs special education and related services, and must adhere to the timeframes described in §§ 300.301 and 300.303, unless extended by mutual written agreement of the child's parents and a group of qualified professionals, as described in §300.306(a)(1)— (1) If, prior to a referral, a child has not made adequate progress after an appropriate period of time when provided instruction, as described in paragraphs (b)(1) and (b)(2) of this section; and (2) Whenever a child is referred for an evaluation. § 300.311 Specific documentation for the eligibility determination. (a) For a child suspected of having a specific learning <i>disability</i>, the documentation of the determination of eligibility, as required in § 300.306(a)(2), must contain a statement of— (1) Whether the child has a specific learning disability; (2) The basis for making the determination, including an assurance that the determination has been made in accordance with §300.306(c)(1); (3) The relevant behavior, if any, noted during the observation of the child and the relationship of that behavior to the child's academic functioning; (4) The educationally relevant medical findings, if any; (5) Whether— (i) The child does not achieve adequately for the child's age or to meet State-approved grade-level standards consistent with § 300.309(a)(1); and (ii) (A) The child does not make sufficient progress to meet age or State-approved grade-level standards consistent with § 300.309(a)(2)(i); or (B) The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade level standards or intellectual development consistent with §300.309(a)(2)(ii); (6) The determination of the group concerning the effects of a visual, hearing, or motor disability; mental retardation; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency on the child's achievement level; and (7) If the child has participated in a process that assesses the child's response to scientific, research-based intervention— (i) The instructional strategies used and the student-centered data collected; and	

MANOR ISD SPECIAL EDUCATION
***Operating Guidelines: Child Find—Transition to MISD Part B from Early
 Childhood Intervention (ECI) Part C Program***

Federal Regulations	Texas Administrative Code (TAC)
(ii) The documentation that the child’s parents were notified about— (A) The State’s policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided; (B) Strategies for increasing the child’s rate of learning; and (C) The parents’ right to request an evaluation. (b) Each group member must certify in writing whether the report reflects the member’s conclusion. If it does not reflect the member’s conclusion, the group member must submit a separate statement presenting the member’s conclusions.	