Technical Assistance:

Child Find & Evaluation

Revised June 2020

Texas Education Agency

Welcome Letter

Dear Fellow Texas Educators,

Thank you for your service and dedication to all students in the Lone Star state! As a committed stakeholder in public education, you are charged with preparing all students for success in college, a career, or the military by providing students access to high quality learning experiences, curriculum, and instruction.

The Texas Education Agency (TEA) Division of Special Education Program is developing a series of technical assistance guidance documents. These technical assistance guides are intended for use by Texas educators to support implementation of services for students with, or suspected of having, disabilities. Our hope is that these guides provide Local Education Agencies (LEAs) access to reliable information that contributes to improved outcomes for students with disabilities.

There is a ton of great information out there for school staff! Our goal with these guides is to gather and link information in one, easy to read resource. In addition to providing you with information and resources, these guides help clarify TEA's recommendations for practice.

Included in each guide are requirements, links to resources, best practice tips, examples, and more. The following information will help you navigate the technical assistance guides:

- While you can read the documents from beginning to end, you don't have to use them that way. The table of contents links each section, so you can click to skip directly to that area.
- Links that are in lower case like this will take you to a related website, resource, or document that supports the information you are reading about.
- Links that use all capital letters, LIKE THIS, will take you to a legal citation and definition.
- "Notes" point out important reminders or considerations. Notes use a pencil icon:
- "Best Practice Tips" have a blue rectangle around them:
- "Tips for Working with Families" have a blue rectangle with this icon:
- Various resources are linked within each section. All resources are listed alphabetically at the end of the guide.
- There is also a resource page that provides links to TEA's Statewide Leadership Networks' websites, the TEA Special Education webpage, and other key state level resources.

For a glossary of special education terms please see: The Legal Framework Glossary.

If you ever have a question, concern, comment, suggestion, or find a broken link within these documents, please email the TEA Special Education Division at sped@tea.texas.gov.

Additional TEA technical assistance guides and resources are available at: tea.texas.gov/texassped. To provide feedback and suggestions for future TA guides complete the survey on the TEA special education website.

Again, thank you for all you do, and we hope this document helps you in your journey of serving our students with disabilities and their families.

Sincerely,

The TEA Division of Special Education Program, Technical Assistance Team

Table of Contents

Child Find and Evaluation Overview....4

Referral for Possible Special Education Services....5

Age Ranges for Eligibility....8

Evaluation Procedures....10

Evaluation Requirements....12

Thirteen Disabilities Identified Under IDEA....16

Full and Individual Initial Evaluation (FIIE)....20

Reevaluation....24

Summary of Performance and Evaluation....26

Special Circumstances Evaluation Areas....29

Independent Educational Evaluation (IEE)....31

Role of the ARD Committee: Eligibility Decision....33

Resources....34

Child Find and Evaluation Overview

The Texas Education Agency (TEA) is providing this guidance to assist local educational agencies (LEAs) in meeting their obligations under state and federal laws and regulations regarding the responsibility to identify, locate, and evaluate all children suspected of having a disability and who are in need of special education and related services, commonly referred to as the Child Find obligation. To ensure that all children who may need special education and related services are identified, it is important that LEAs establish and implement continuing efforts to seek out these children and inform the public of services available to children and families. This guidance is intended to serve as a resource for professionals who serve in a range of roles in schools across the state as they design and implement Child Find policies, procedures and, practices.

Child Find Overview

- Child Find refers to the federal requirement under the Individuals with Disabilities Education Act (IDEA) that all children in need of special education services are identified, located and evaluated.
- LEAs are responsible for conducting Child Find and identifying all IDEA-eligible students that reside in their jurisdiction.
- Child Find is not a passive activity, but rather an active process.

Evaluation Overview

- Whether it is a full and individual initial evaluation (FIIE) or a reevaluation, evaluation is a data-gathering process.
- The evaluation must be comprehensive and use a variety of assessment tools, sources of information, and strategies.
- The evaluation is completed by a multi-disciplinary team.

Evaluation Purpose

- Evaluation provides information to assist in determining:
  - whether the student has a disability;
  - the need for specially designed instruction and related services; and
  - the need for evidence-based interventions and how to monitor the student's progress.
- Evaluation provides much of the information for drafting present levels of academic achievement and functional performance (PLAAFP), goals, objectives, modifications, and accommodations in the Admission, Review, and Dismissal (ARD) committee meeting.

Child Find and Evaluation Sections

- The following sections are meant to explain processes and provide best practice tips.
- Links to references are provided throughout the sections.

Statewide Leadership Network: Child Find, Evaluation and ARD Supports

The Child Find, Evaluation and ARD Supports Network develops resources and training designed to assist LEAs with implementing effective Child Find practices, conducting comprehensive evaluations and practicing collaborative ARD processes. This network hosts a webpage, childfindtx.tea.texas.gov, devoted to sharing resources with all stakeholders and promoting continued professional development for LEAs.

Referral for Possible Special Education Services

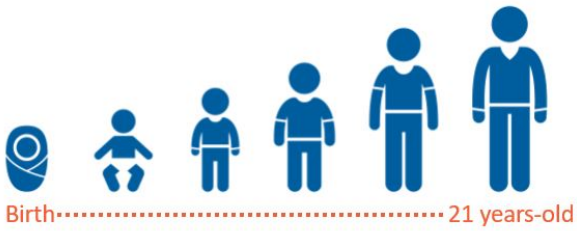
Child Find: Federal Mandate under IDEA

- CHILD FIND is the affirmative, ongoing obligation of local education agencies (LEAs) to identify, locate and evaluate all children with disabilities residing within their jurisdictions who need special education and related services.
- An LEA may not take a passive approach and wait for others to refer students for special education services. The LEA must seek out Individuals with Disabilities Education Act (IDEA) eligible students.

Who is Covered under Child Find?

Every child from birth to age 21, including:

- Infants (Ages 0-2 years) suspected of having the following disabilities:
  - Deaf or Hard of Hearing (DHH)
  - Visual Impairments (VI) and
  - Deaf-Blindness (DB)
- Students, including those who are homeschooled or in private school
- Students who are suspected of having a disability, even though advancing from grade to grade
- Children who are traditionally underserved:
  - Homeless
  - Highly mobile, including migrant
  - In foster care (may be wards of the state)
  - Involved in the criminal justice system



Who Can Make a Referral for Special Education?

Student's Parents or Legal Guardian

School Personnel

Another Person Involved in the Education or Care of the Student

Parent Referrals

If a parent makes a written request for an initial evaluation for special education services:

- The LEA must respond no later than 15 SCHOOL DAYS after receiving the request.
- At that time, the LEA must give the parent a prior written notice of whether it agrees or refuses to evaluate the student, along with a copy of the *Notice of Procedural Safeguards*.
- If the LEA agrees to evaluate the student, it must also give the parent the 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, LEAs must still comply with all federal prior written notice and procedural safeguard requirements.

Prior Written Notice (PWN)

- The LEA must inform the child's parents in writing if it proposes to evaluate the child for possible special education eligibility and services. The PWN must include, among other things, a statement of the parent rights, whom they should contact at the LEA for information, and the steps the district proposes or refuses to take.
- Child Find does not require schools to agree to conduct an FIIE for every child. If a school does not agree with a request to conduct an FIIE, it must provide PWN and explain why it refuses to evaluate.

Annual LEA Statement

All LEAs distribute written information to every enrolled student's family regarding IDEA's Child Find and free appropriate public education (FAPE) requirements to inform them of the options and requirements for helping students who have learning difficulties or who need, or may need, special education services. This statement is typically included in the LEA's Student Handbook or may be provided by another means as long as it is provided in writing each year.

Prior to Referral

Students having trouble in the general education classroom should be considered for all support services available to all students, such as:

- Tutorial
- Remedial
- Compensatory
- Multi-Tiered Systems of Support (MTSS)
- Dyslexia general education services
- Accommodations under Section 504

Multi-Tiered Systems of Support (MTSS)

MTSS is a school-wide framework that is meant to provide varying levels of support to meet the academic, behavioral, and social/emotional needs of students. MTSS includes the term Response to Intervention (RtI) for academics and/or behavior and other early intervention strategies.

Do Not Delay or Deny

An LEA may not deny a referral or delay an initial evaluation because pre-referral interventions have not been implemented with a student. If there is a basis for suspecting the student has a disability and needs special education, the student must be referred for an evaluation regardless of whether he or she has participated in an intervention program.

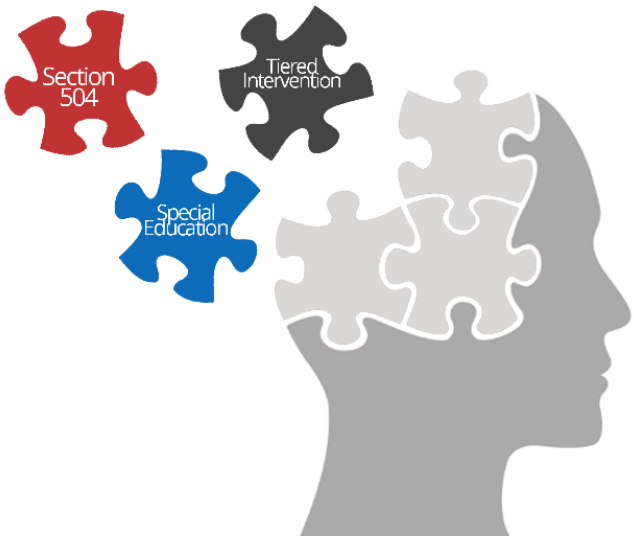
Circumstances that May Indicate the Need for Evaluation (not an exhaustive list)

Multiple data sources should be considered, and the cumulative impact may rise to the level of suspecting a disability and need for special education services.

- Lack of expected gains during intervention progress monitoring
- Hospitalization
- More substantial supports needed as general education curriculum becomes more difficult
- Interfering behaviors and/or discipline referrals
- Outside evaluation/diagnosis provided by a parent
- Parental concerns regarding child's struggles
- Outside therapeutic services or tutoring
- Gap between expected academic growth and actual growth

When Making Data-based Decisions

- Gather and systematically analyze information about students
- Consider:
  - Tiered Interventions
  - Evaluation for Services and/or Accommodations under Section 504
  - Special Education Evaluation



These are NOT sequential processes. They should be simultaneous considerations.

Knowledge or suspicion of a disability alone does not automatically trigger the need to refer a student for special education. The knowledge must be in addition to a reasonable suspicion that, because of the disability or suspected disability, the student may need special education and related services.

Children Who Transfer

- If a child is in the process of being evaluated for special education eligibility and enrolls in a new LEA before the evaluation is completed, the new LEA must coordinate with the previous LEA to ensure prompt completion of the initial evaluation.
- If the child transfers from another LEA when an initial evaluation is pending, the timelines for conducting the evaluation apply to the new LEA unless:
  - The new LEA is making sufficient progress to ensure a prompt completion of the evaluation; and
  - The parent and the new LEA agree to a specific time when the evaluation will be completed.
- For more information, you can visit Legal Framework: Children Who Transfer.

Best Practice Tips

- Provide Child Find orientation, training and support for all campus staff.
- Take an active approach to Child Find. Do not be passive and wait for others to refer students for special education services. Seek out students who may be IDEA-eligible.
- Make Child Find a continuous and ongoing process throughout the year.
- Generate factors that could trigger the need for referring a student for special education services.
- Consider the student's need for special education and related services rather than repeatedly referring a student for interventions.
- Coordinate and collaborate between general and special educators on effective instruction and evidence-based interventions.
- From Child Find through progress monitoring, establish training and a system that makes documentation easy, practical and automatic for staff.
- If a parent makes a verbal request for a special education evaluation, follow the 15-school-day timeline to respond.

Reminder

Two questions must be answered:

Is there reason to suspect that the student has a disability?

Is there reason to suspect that because of the disability the student needs special education and related services?

If "Yes" to both questions, refer the student for a full and individual initial evaluation (FIIE).

Age Ranges for Eligibility

The Local Education Agency (LEA) will ensure that a free appropriate public education (FAPE) is made available to all eligible children with disabilities ages 3 through 21 under Part B of the Individuals with Disabilities Education Act (IDEA). A child can be referred to early childhood intervention (ECI) beginning at birth through IDEA Part C.

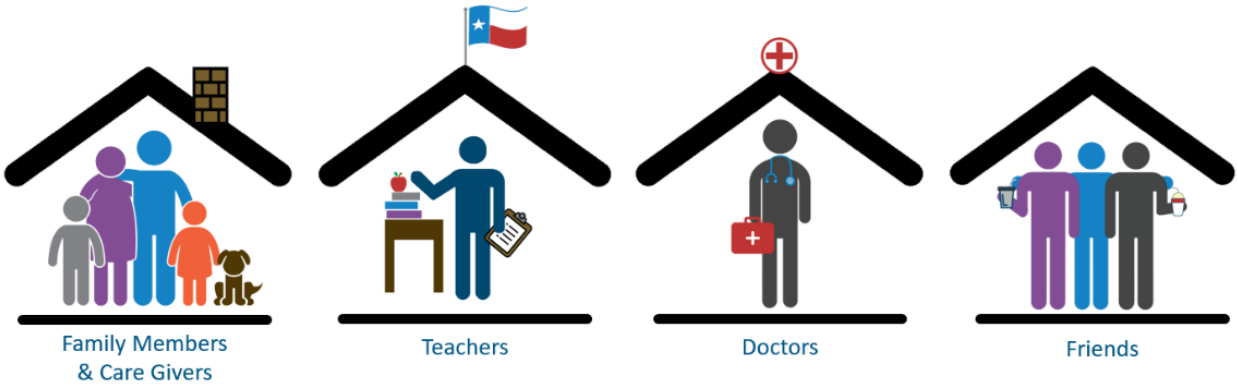
Ages 0 to 3 years

The LEA and the local ECI contractor have developed a coordinated Child Find system. Both the ECI and the LEA have policies and procedures in effect to identify, locate, and evaluate children who need early intervention or special education services.

Early Childhood Intervention

Texas Health and Human Services is the lead state agency for ECI. The following services are provided with no out-of-pocket payment from the parent: child find, evaluation and assessment; development of the Individualized Family Service Plan (IFSP); services to children with auditory or visual impairments, including children with deaf-blindness; case management; translation and interpreter services; and administrative and coordination activities related to the implementation of procedural safeguards and other components of the statewide system of early childhood intervention services.

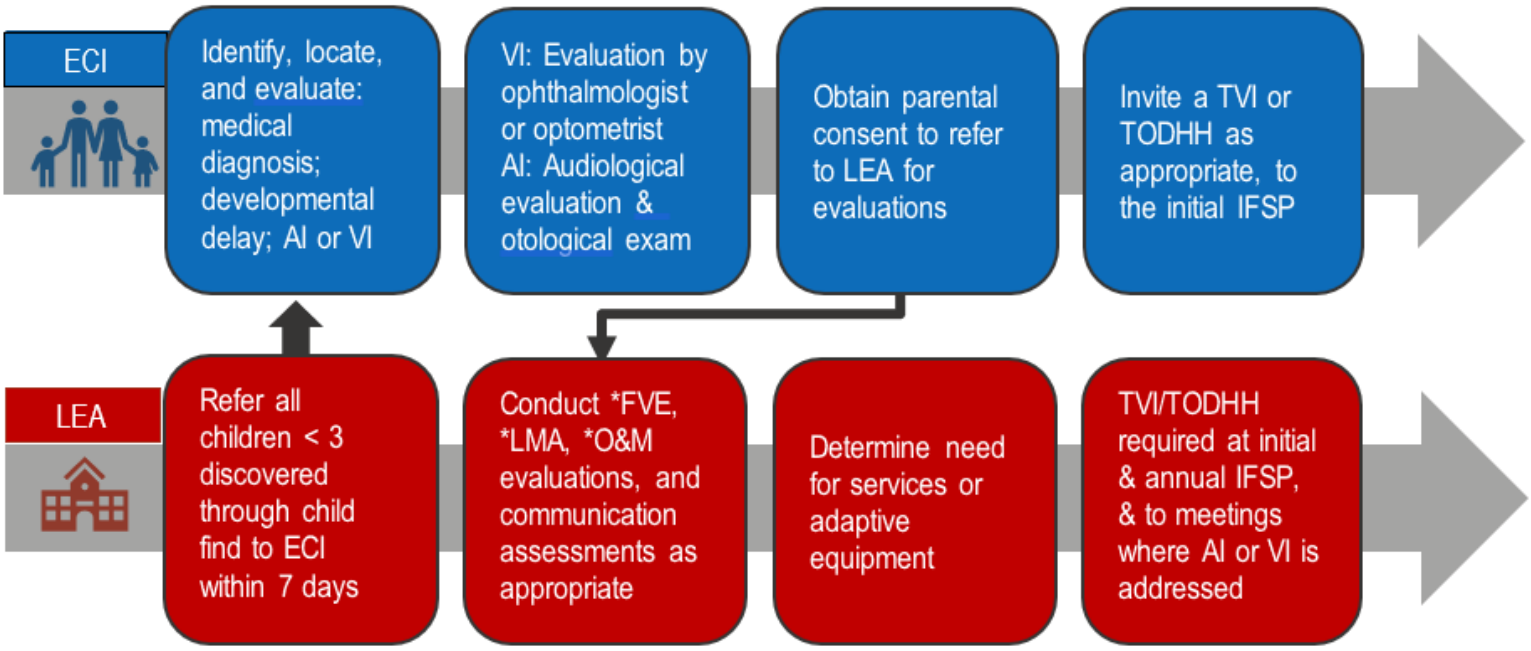
It is important for families to know that a medical diagnosis or a doctor's referral is not needed to access ECI services. Anyone involved with the child – family members, caregivers, teachers, doctors, or friends – may make a referral.



Sensory Impairments

When a child from birth to age three with a suspected or documented visual impairment (VI) is referred to an early intervention team, the teacher of students with visual impairment (TVI), and certified orientation & mobility specialist (COMS) are considered members of the interdisciplinary team. When a child from birth to age three with a suspected or documented hearing loss is referred to an early intervention team, the teacher of the deaf or hard of hearing (TODHH) is considered a member of this interdisciplinary team. Parental consent is required for ECI and the LEA to share information. With parental consent, a TVI or TODHH may be consulted for ways to obtain the required medical documentation leading to a full referral. Consultation may include phone calls, emails and/or home visits, if necessary. ECI must provide case management services for students with auditory impairment (AI) or VI. An IFSP meeting will be held in place of an Admission, Review, and Dismissal (ARD) committee meeting.

Health and Human Services ECI Parent Handbook



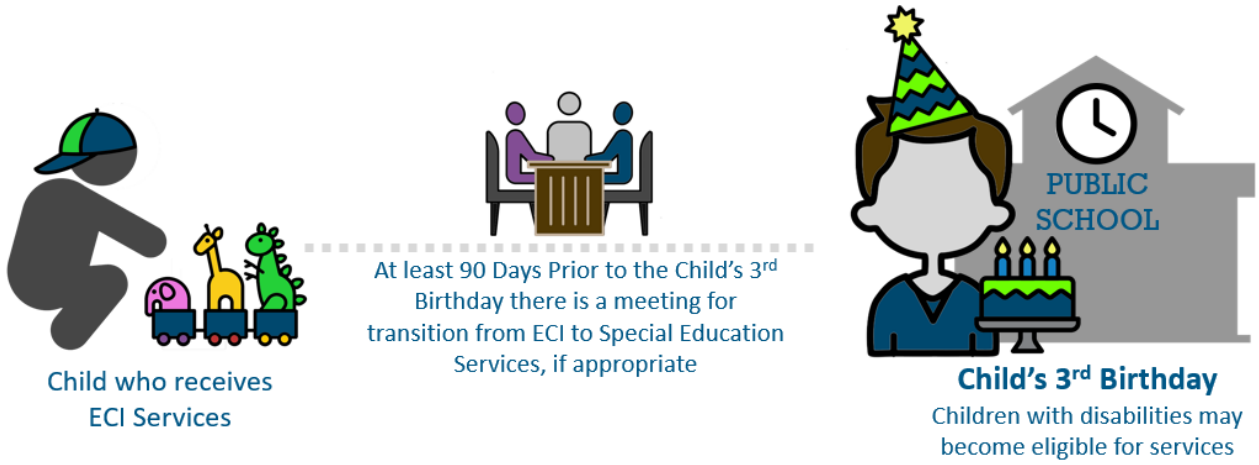
***Functional Vision Evaluation, Learning Media Assessment, Orientation and Mobility**

Ages 3 through 5

A child between the ages of 3 through 5 can be considered for any disability category. If the child meets eligibility criteria for an intellectual disability, an emotional disturbance, a specific learning disability, or autism, he or she may be eligible for special education services based on the noncategorical early childhood (NCEC) disability category. Children who are eligible based on the NCEC category must be reevaluated prior to their sixth birthday to determine continued eligibility for special education services

Transition From IDEA-C ECI to IDEA-B Early Childhood Special Education (ECSE) Programs

At age three, children with disabilities may become eligible for special education services from a public school. Not all children who receive ECI services qualify for services provided by a public school. Therefore, at least 90 calendar days before a toddler receiving ECI services turns three years old, a meeting will be scheduled to help the family transition from ECI services to special education services, if appropriate. If the child qualifies for special education services, those services must be made available to the child on his or her third birthday. Beyond ECI is a publication that contains information about the transition from the early childhood program to special education. See the ECI Flowchart for more information .



Early Childhood Intervention Memorandum of Understanding

The purpose of this memorandum is to:

- define roles and responsibilities between the Health and Human Services Commission (HHSC) and Texas Education Agency (TEA) within the respective federal and state mandates
- enhance interagency collaboration and relationships; and
- coordinate an effective system of activities, policies and procedures between TEA and ECI which guide and support the development and implementation of transition services for families of children with disabilities who are approaching age three.

For the child who may be eligible for early childhood special education services, with the approval of the child's family, a transition conference among ECI, the family, and the LEA will be held. This meeting will occur at least 90 days, and not more than nine months, before the child's third birthday to discuss any services the child may receive under IDEA-B.

In the case of the child who was previously served under IDEA-C, at the request of the parent, the LEA will invite the IDEA-C service coordinator or other ECI representatives to the initial ARD committee meeting to assist with the smooth transition of services.

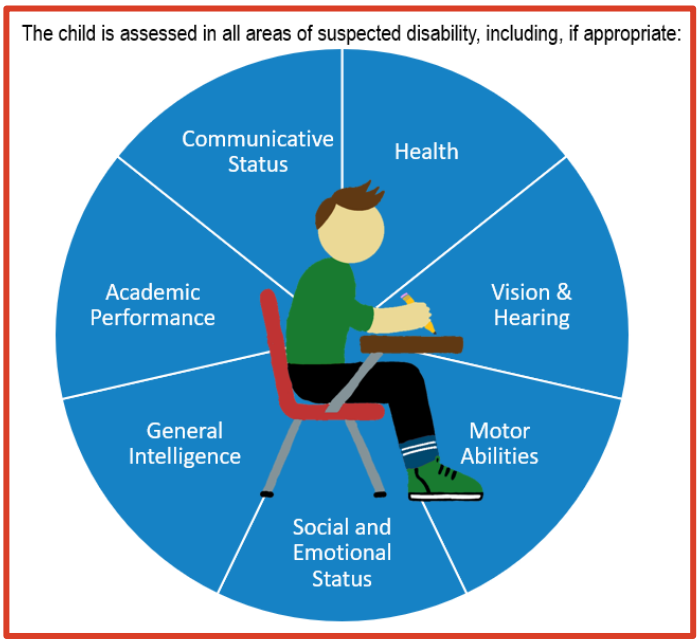
Evaluation Procedures

When conducting the full and individual initial evaluation (FIIE), the LEA must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, including information provided by the parent, that may assist in determining:

- Whether the child is a child with a disability in need of special education services; and
- The content of the child's individualized education program (IEP), including information related to enabling the child to be involved in and progress in the general education curriculum, or for the preschool child, to participate in appropriate activities.

Components of a Comprehensive Evaluation – A Data-Gathering Process

- May not use any single measure or assessment as the sole criterion
- Must evaluate the child in all areas related to the suspected disability.
- Must use technically sound instruments that are:
  - Racially and culturally fair, administered in native language
  - Used for purposes for which they are reliable and valid
  - Administered as designed by trained and knowledgeable personnel
  - Tailored to area of educational need, adapted to physical and sensory disabilities
- Assessment data directly assist the ARD committee in determining the educational needs of the child
- The evaluation is sufficiently comprehensive to identify the child's special education and related service needs, whether or not commonly linked to the identified disability category (Interventions may be provided that reflect the child's individual needs regardless of the eligibility category)
- Review existing relevant evaluations and data and determine what additional data are needed



Evaluation Considerations

- **Least Restrictive Environment (LRE):** The evaluation must include information related to enabling the child to be involved in and progress in the general curriculum, or for a preschool child, to participate in appropriate activities.
- **Input data:** The evaluation must include all existing evaluation data, classroom observations, and information provided by teachers and families.
- **Existing data:** An LEA should not exclusively rely on a private evaluation to develop an IEP in place of conducting its own assessments, unless it can clearly show it does not need more data.
- **Medical diagnosis:** The identification of the disability itself is just one of the two main elements of an evaluation. The identification of a resulting need for special education and related services is the other. A medical diagnosis is not always needed and does not address the need for special education services.
- **Language difference vs. disability**: The LEA administers assessments that differentiate between language proficiency and disability.

Investigating the Need for Special Education and Related Services

- When reviewing existing data, the evaluation team will report academic progress in the evaluation. While academic progress may indicate a child's need for special education services, academic progress alone is not the determinative factor. The evaluation should draw upon information from a variety of sources to make an eligibility recommendation.
- The evaluation should consider the supports a student is already receiving when making recommendations whether he or she requires special education. Data that shows a student is progressing towards closing the achievement gap with general education interventions are an indicator that he or she may not require special education.

Photo Credit: Klein ISD

Best Practice Tips

- Address in Special Education Operating Procedures local timelines for obtaining parent consent for evaluation after an LEA's special education referral or an oral parent request is made. (Remember: written parent requests to certain LEA personnel require a response within 15 school days.)
- Train evaluation staff about when parent consent is needed. Emphasize the difference between reviewing "existing data" and data used for focusing on the eligibility or educational and behavioral needs of a specific child.
- Ensure evaluators are trained on assessments and other evaluation processes. Develop an annual professional development plan.
- Assess all areas of need to ensure students receive the necessary services. While it is possible to request other evaluations during the initial ARD committee meeting, best practice is to have a comprehensive evaluation that addresses all needs before the initial ARD committee meeting.
- Ensure information provided by the parent(s) is included in the evaluation. The absence of parents' input makes the evaluation flawed.
- "Triangulate" data in the evaluation. Ask: Does the data from parent information, school-based information and standardized assessment support the recommendations?
- Train staff on the difference between general education interventions and specially designed instruction. Evaluators need to be able to explain the nature of the general education interventions provided. They also need to make recommendations describing the unique specially designed instruction a student may need through special education services.
- Carefully review written evaluation reports and medical diagnosis from outside the LEA and outside the state of Texas. Check that federal requirements for all evaluations are met. Check for state requirements that are unique to Texas.

Evaluation Requirements

Review of Existing Evaluation Data Requirements

A REVIEW OF EXISTING EVALUATION DATA (REED) is the **process of looking at a student's existing data** to determine if additional data are needed as part of a full and individual initial evaluation (FIIE), if appropriate, or as part of a reevaluation. A REED helps schools decide whether current information about a child can be used to determine a child's eligibility for special education.

As part of an initial evaluation (if appropriate), the ARD committee conducts a REED.

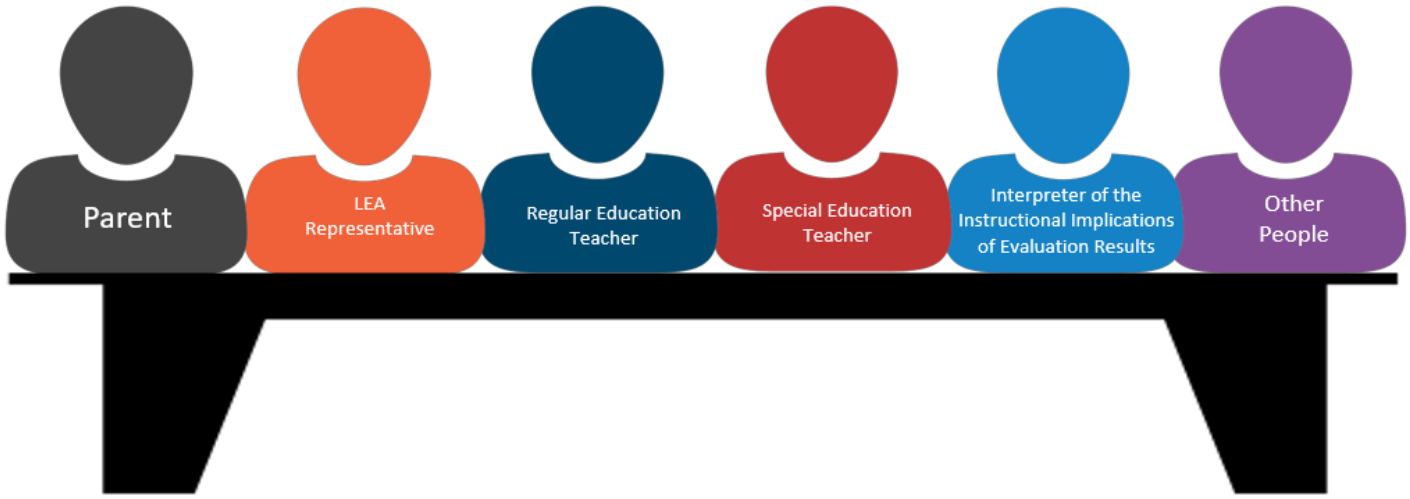
Examples of situations where a REED is appropriate:

- The parent of a child brings in an outside evaluation from a professional and the members of the Admission, Review, and Dismissal (ARD) committee review this information to determine if additional evaluation by LEA personnel is needed.
- A child attends a private preschool and the parent requests an evaluation. The members of the ARD committee meet to determine what data is available and what information is needed to complete the

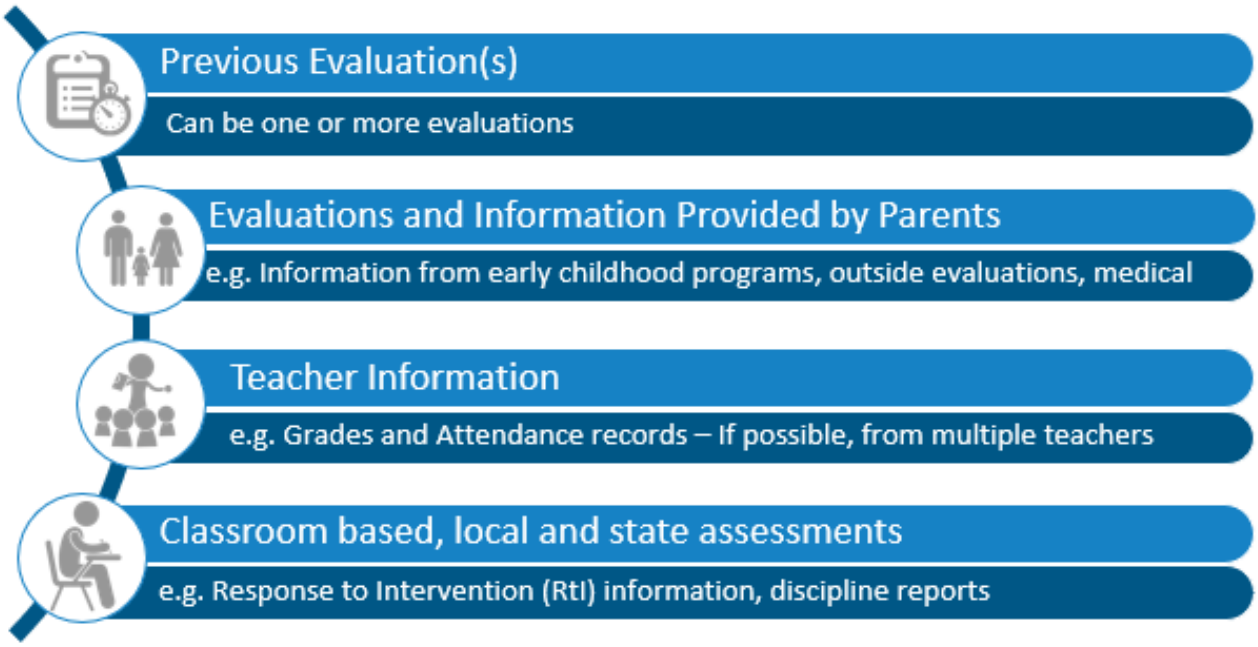
Best Practice Tip

It is best practice to collect and review all existing evaluation data on a child before beginning an initial evaluation to assist in determining eligibility. A REED is the starting point of any evaluation.

Note:
The REED must be conducted by the members of the student's ARD committee, and others as appropriate. The members review the student's existing evaluation data to determine the scope of the evaluation. This review process does not have to take place in an ARD committee meeting.



When the members of an ARD committee conduct a REED, the process must include:



Note:
The committee members must ensure that information obtained from these sources is documented and carefully considered.

Based on the REED, the group of qualified professionals ,which includes the parent, must determine what additional data, if any, are needed to determine whether the child is a child with a disability and the educational needs of the child.

Tips for Working with Families:

- Provide families with organized copies of all documents for their records.
- Ensure that parents and families are meaningfully included in the REED if one is done.
- Explain to parents about the types of examinations and tests that will be used.
- Keep open lines of communication and encourage parents to ask questions throughout the process.

Prior Written Notice

The special education regulations require that parents receive PRIOR WRITTEN NOTICE (PWN) at least five school days (unless the parent agrees to a shorter timeframe) before the LEA proposes or refuses to:

- Initiate or change the evaluation
- Initiate or change a student's identification
- Initiate or change the educational placement
- Initiate or change provision of a free appropriate public education (FAPE)
- Cease the provision of special education and related services due to the parent's revocation of consent for services

The Seven Elements of Prior Written Notice	
1	Description of the action that the LEA proposes or refuses to take.
2	Explanation of why the LEA is proposing or refusing to take the action.
3	Description of each evaluation procedure, assessment, record or report the LEA used as a basis for the proposal or refusal.
4	A statement that the parent(s) of a child with a disability have protection under the procedural safeguards and if the PWN is not an initial referral for evaluation, an explanation of how a copy of the Notice of Procedural Safeguards may be obtained.
5	Resources for the parent to contact for help in understanding the Individuals with Disabilities Education Act (IDEA) and the related federal and Texas special education regulations.
6	Description of any other options that the team considered and the reasons why those options were rejected.
7	Description of any other factors that are relevant to the LEA proposal or refusal.

- If the LEA proposes to conduct an evaluation, it must also include in the PWN a description of any evaluation procedure it proposes.
- The notice must be written in language that is understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent.
- The LEA should include a copy of the PWN in the student's education record.

Consent for Initial Evaluation

When is consent required?

The LEA must obtain informed consent from the parent before conducting an initial evaluation.

The *informed consent* that the LEA must obtain to conduct an initial evaluation means:

- ☑ The parent has been fully informed of all information relevant to the initial evaluation in the parent's native language or other mode of communication.
- ☑ The parent understands and agrees in writing to the LEA carrying out the initial evaluation and the consent describes the initial evaluation and lists the records, if any, that will be released and to whom.
- ☑ The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.
- ☑ If the parent revokes consent, that revocation is not retroactive; therefore, it does not negate an action that has occurred after the consent was given and before the consent was revoked.

Signature

Note:

Parent consent is not required when:

- Reviewing existing data as part of the evaluation or reevaluation, or
- Administering a test or other evaluation administered to all children, unless parent consent is required for all children.

RESOURCES:

Texas Education Agency:

Review of Existing Evaluation Data (REED) FAQs

Legal Framework for the Child Centered Process:

Review of Existing Evaluation Data (REED)

Prior Written Notice

Thirteen Disabilities Identified Under IDEA

In Texas, there are 13 different disability categories under which children ages 3 through 21 may be eligible for special education services. Children with Auditory Impairment, Visual Impairment, or Deaf-Blindness are eligible to receive services from birth.

Who decides if a child is eligible for special education services?

In Texas, the Admission Review and Dismissal Committee (ARD committee) makes the eligibility determination and decides the eligibility category.

To determine if a child is eligible for classification under one of the 13 disability categories, an individualized evaluation, or assessment, of the child must be conducted. This evaluation is the Full and Individual Initial Evaluation.

There is a two-part test for determining whether a child is eligible for special education and related services.

A child is eligible to receive special education and/or related services if the child:

- Is determined to have a disability
- As a result of the disability, needs special education and related services

Note:
To meet the definition (and eligibility for special education and related services) as a CHILD WITH A DISABILITY, the child must demonstrate an educational need for special education services.

To meet the first part of the two-part test for eligibility, a child must meet the criteria for one or more of the disability categories defined below:

1. Auditory Impairment– is defined as meeting the criteria of deafness or hearing impairment:

- Deafness 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.
- Hearing impairment 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.

2. Autism – 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.

The term autism does not apply if the child's educational performance is adversely affected primarily because the child has an emotional disturbance, as defined in #4 below. A child who shows the characteristics of autism after age 3 could be diagnosed as having autism if the criteria above are satisfied.

3. Deaf-Blindness – having both 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.

4. Emotional Disturbance – 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:

- An inability to learn that cannot be explained by intellectual, sensory, or health factors.
- An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
- Inappropriate types of behavior or feelings under normal circumstances.
- A general pervasive mood of unhappiness or depression.
- A tendency to develop physical symptoms or fears associated with personal or school problems.

Emotional disturbance does not apply to a child who is socially maladjusted, unless the child also meets the criteria for having an emotional disturbance.

5. Intellectual Disability – significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance.

6. Multiple Disabilities – means two or more impairments occurring at the same time (such as intellectual disability-blindness or intellectual disability-orthopedic impairment) that are expected to continue indefinitely. The combination causes such severe educational needs that it cannot be accommodated in special education programs solely for one of the impairments.

7. Noncategorical Early Childhood – in Texas, a child between the ages of 3 through 5 who is evaluated as having an intellectual disability, an emotional disturbance, a specific learning disability, or autism may be eligible within the noncategorical early childhood category.

Note:

Developmental changes often occur in very young children. With early intervention and appropriate services, children may not need special education by the time they reach six years of age. The noncategorical early childhood category allows a child between the ages of 3 through 5 who is evaluated as having an intellectual disability, an emotional disturbance, a specific learning disability, or autism to be described as noncategorical early childhood. Eligibility must be reconsidered before age 6.

8. Orthopedic Impairment – means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).

9. Other Health Impairment – 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 –

- 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
- adversely affects a child's educational performance.

Note:

- Evidence that a child has a medical diagnosis alone does not mean the child meets the criteria for special education.
- Medical conditions must meet the criteria of "impairing vitality, strength or alertness" at school causing the need for specially designed instruction to access the curriculum.
- The ARD committee, not a student's physician, makes the determination as to whether the student is eligible for special education and related services (although information from a medical doctor is required for this eligibility category).

10. Specific Learning Disability (SLD) – 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 an 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. The IDEA recognizes eight areas in which a student may qualify with an SLD. These eight areas include: listening comprehension, oral expression, basic reading skill, reading fluency, reading comprehension, written expression, mathematics calculation, and mathematics problem solving. These are not specific conditions, rather they describe areas where the student does not achieve adequately for his or her age or meet state-approved grade level standards.

- **Disorders not included-** The term does not include a learning problem that is primarily the result of visual, hearing, or motor disabilities, of an intellectual disability, an emotional disturbance, or of environmental, cultural, or economic disadvantage.
- **Disorders included-** Students identified as having dyslexia, dyscalculia, and dysgraphia may be identified through IDEA under the SLD category. For more information, please review the Dear Colleague Letter from October 2015.

TEA Guidance:
Frequently Asked Questions: Dyslexia and Related Disorders- March 2019

TEA Presentation:
Webinar: Dyslexia and Related Disorders in the IEP

11. Speech or Language Impairment – 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. Traumatic Brain Injury – 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.

Note:

- The term 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.
- The term does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.

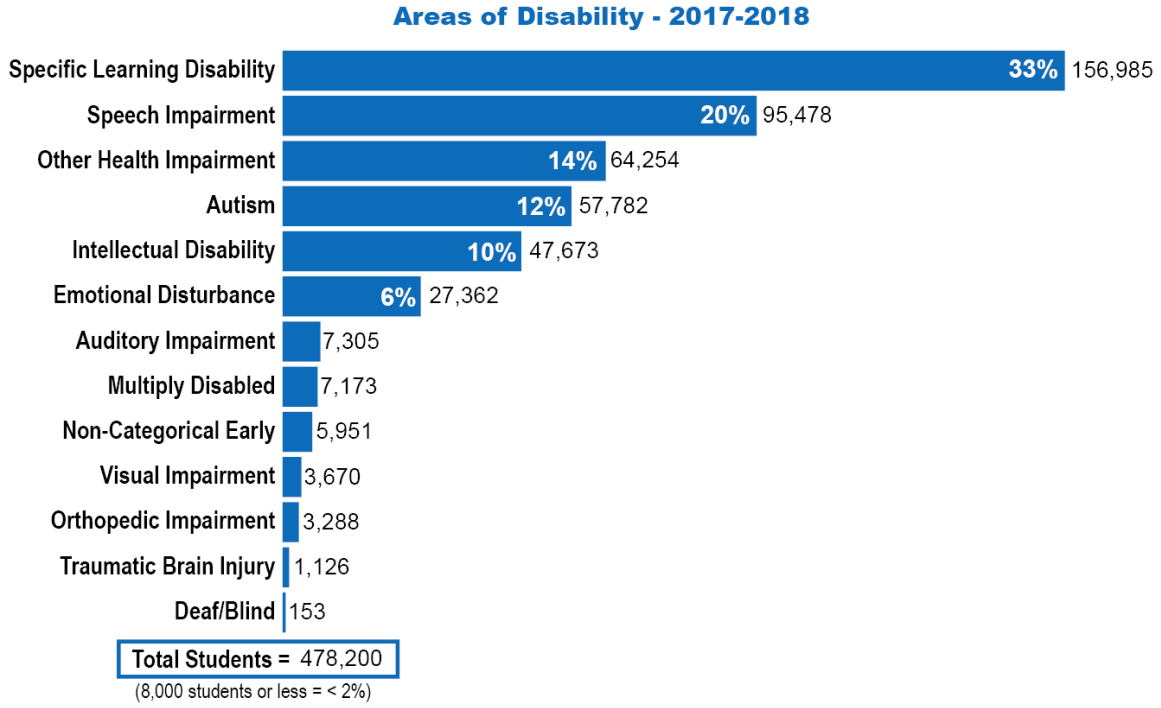
13. Visual Impairment Including Blindness– means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.
In Texas, children served within the category of Auditory Impairment or Visual Impairment (including Deaf-Blindness) are eligible to receive services from birth.

What does adversely affected mean?

Adversely affected means in addition to grades and standardized tests scores, schools must consider how a child's emotional, health or other conditions impact his or her performance in academic, social, health, emotional, communicative, physical, and vocational areas.

Populations Served –

The following graph shows the number and percentage of Texas students with disabilities by eligibility category during the 2017-2018 school year.



Full and Individual Initial Evaluation (FIIE)

The evaluation process establishes a foundation for developing an appropriate educational program for a child. Evaluations assist in determining initial and continued eligibility for special education services, to determine a student's need for special education and related services, and to gather additional information for an Admission, Review, and Dismissal (ARD) committee to use when developing or revising an IEP for a child.

When must a child have an FIIE?

A child must have an FIIE to determine whether he or she has a disability and may be eligible to receive special education services. An FIIE must be completed before the provision of any special education or related services to a student.

The purposes of conducting this evaluation are:

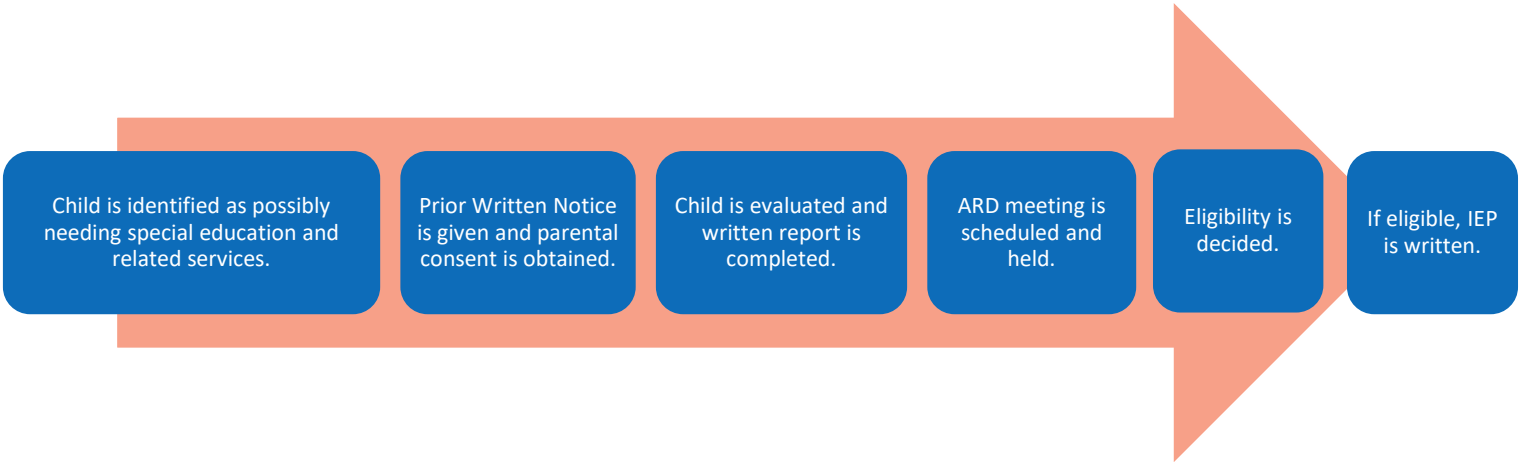
- To determine if the child is a "child with a disability", as defined by IDEA;
- To gather information that will help determine the child's educational needs;
- To guide decision making about appropriate educational programming for the child.

Note: The LEA must obtain informed CONSENT from the parent before conducting an initial evaluation. Also, PRIOR WRITTEN NOTICE must be given to the parents of a child with a disability at least five school days before the public agency proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child, unless the parent agrees to a shorter timeframe.

After obtaining consent for an initial evaluation, the school must 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.

Tip for Working with Families:
When parents request an evaluation encourage them to put the request in writing, include a date and signature, provide it to a school administrator, and keep a copy.

Evaluation Procedures



The evaluation process for the child must:

1. include information about the child's academic, developmental and functional performance
2. be administered by trained and knowledgeable personnel in accordance with standard administration
3. be administered in the child's native language or other mode of communication
4. be unbiased and given in such a way so as not to discriminate against the child
5. be used for the purposes for which the assessments are valid and reliable

Timeline

For children ages 3 through 21, the FULL AND INDIVIDUAL INITIAL EVALUATION and resulting report must be completed no later than 45 school days from the day the school receives written consent. However, if the child has been absent from school during the evaluation period on three or more school days, the evaluation period may be extended by the number of school days equal to the number of school days that the child has been absent.

When written consent for evaluation is received with less than 35 school days before the last instructional day of the year, the 45-school day evaluation timeline extends into the following school year.

If a child is under five years of age by September 1 of the school year and not enrolled in public school or is enrolled in a private or home school setting regardless of age, the initial evaluation and the resulting report must be completed no later than 45 school days from the day the school receives written parental consent.

Note: There is an additional exception to the 45-school day timeline – If the school receives the written consent for the initial evaluation request at least 35 but less than 45 school days before the last instructional day of the school year, the written report of the FIIE must be completed and provided to the parent by June 30th of that year. However, if the child is absent from school on three or more days during this 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.

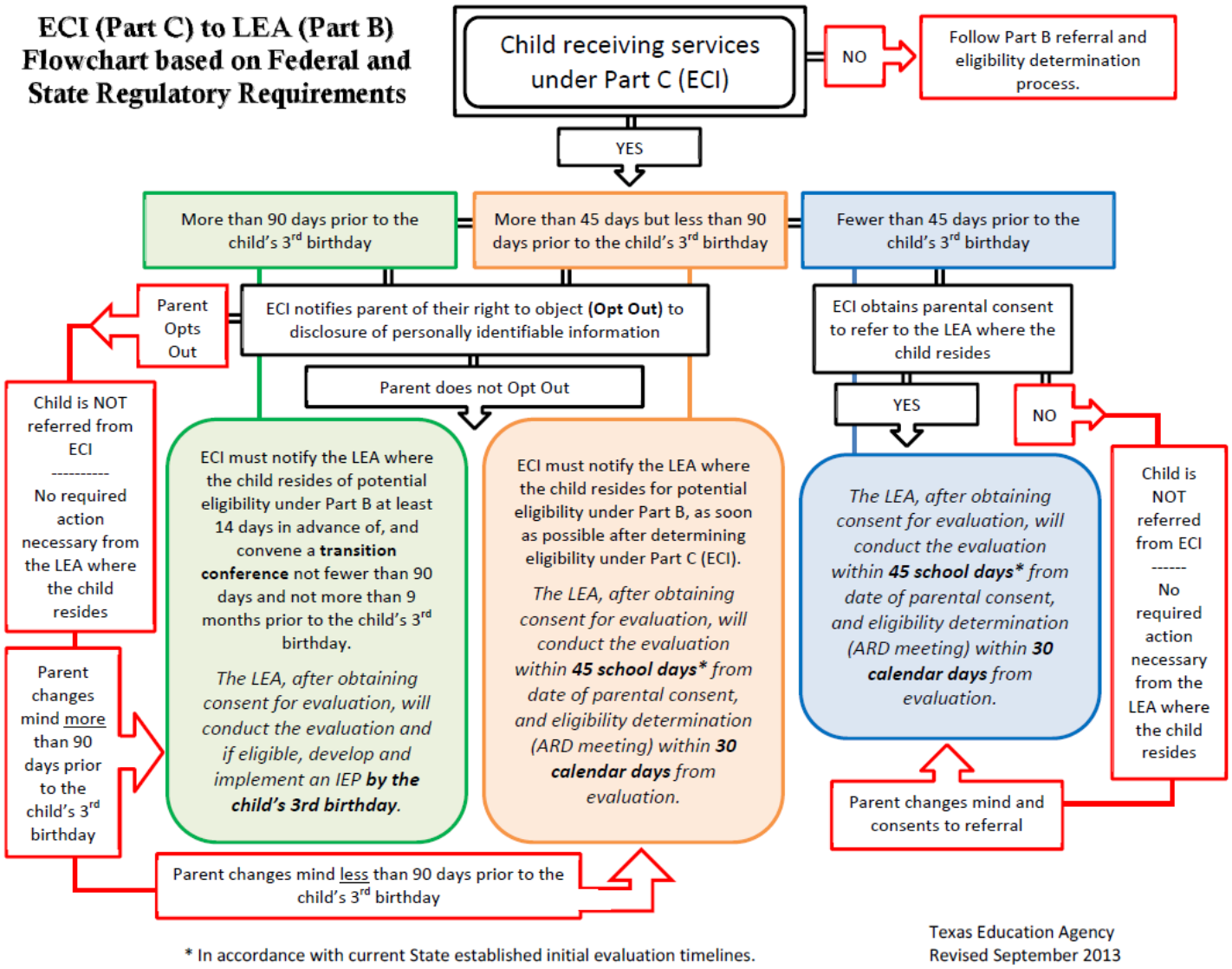
If the parent does not consent to the initial evaluation, the school may, but is not required to, pursue the evaluation by asking for mediation or requesting a due process hearing. If the school decides not to pursue the evaluation, the school does not violate the IDEA Child Find duty.

Photo Credit: El Paso ISD

For Children Previously Served in Part C Early Childhood Intervention (ECI) Ages 0 through 2

For children served in ECI, the LEA, after obtaining consent, will conduct an evaluation. If the child meets eligibility requirements, an IEP will be developed and implemented **by the child's third birthday** as required by federal law. The Admission, Review, and Dismissal (ARD) committee will make an eligibility determination at the initial ARD meeting.

ECI Transition Flowchart



Resources:

- SPP Indicator 11 Frequently Asked Questions
- SPP Indicator 12 Frequently Asked Questions
- ECI Accessible Transition
- ECI Transition Flowchart

Reevaluation

When must you conduct a reevaluation?
A reevaluation must be conducted not more often than once a year, unless the parent and the LEA agree otherwise and at least every 3 years, unless the parent and the LEA agree that reevaluation isn't necessary. The reevaluation must be conducted if the LEA determines that a reevaluation is warranted based on the student's educational or related services needs, or if the child's parent or teacher requests one. Additionally, the local educational agency shall evaluate a child with a disability before determining that the child is no longer a child with a disability.

What is a reevaluation process?
A reevaluation involves a REVIEW OF EXISTING EVALUATION DATA (REED), as well as current input from a child's parents and teachers so that a decision can be made regarding continued eligibility or need for further information.

Who can request a reevaluation?
Reevaluations may be requested by any member of the ARD committee, including parents and teachers, prior to the triennial due date.

The basic steps of a reevaluation are included in this flowchart: Special Education Reevaluation Process Flowchart

A REVIEW OF EXISTING EVALUATION DATA (REED) is required as part of any reevaluation.

Based on the REED, the ARD committee members, which includes the parent, must determine what additional data, if any, are needed to determine whether the child continues to be a child with a disability and whether the child continues to need special education and/or related services.

Based on the REED, the team must identify any additional data needed to determine:

- Whether the child continues to have a disability;
- Whether the child continues to need special education and related services;
- The present levels of academic achievement and functional performance of the child (PLAAFP); and related developmental needs of the child;
- 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 his or her IEP and to participate, as appropriate, in the general education curriculum.

Additional data not needed:

If the ARD committee members determine that no additional data are needed beyond the REED to complete the reevaluation, the LEA must inform the parent in writing of this decision and the reasons for the determination and that the parent has the right 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. This is called PRIOR WRITTEN NOTICE (PWN).

If the parent does not request additional evaluation, the LEA is not required to conduct further evaluation, and the REED may constitute the student's reevaluation. The date of the REED establishes the new three-year anniversary date.

Additional data needed:

Based on the REED, if the ARD committee members determine that additional data are needed, the team must indicate what additional data is needed and obtain informed parent consent. To meet federal requirements, the ARD committee members must document what data was reviewed and, based on that review, what data is needed.
Then the LEA **must**:

- Notify the parent in writing (PWN);
- Develop an evaluation plan which includes assessment areas and information needed; and
- Obtain informed consent

When assessments are complete, the ARD committee will convene to review evaluation results and make any necessary eligibility determinations or changes to the child's IEP.

Best Practice Tip

A REED should be completed at least 45 school days before the three-year anniversary date. If additional data is needed, the information must be obtained prior to the reevaluation due date.

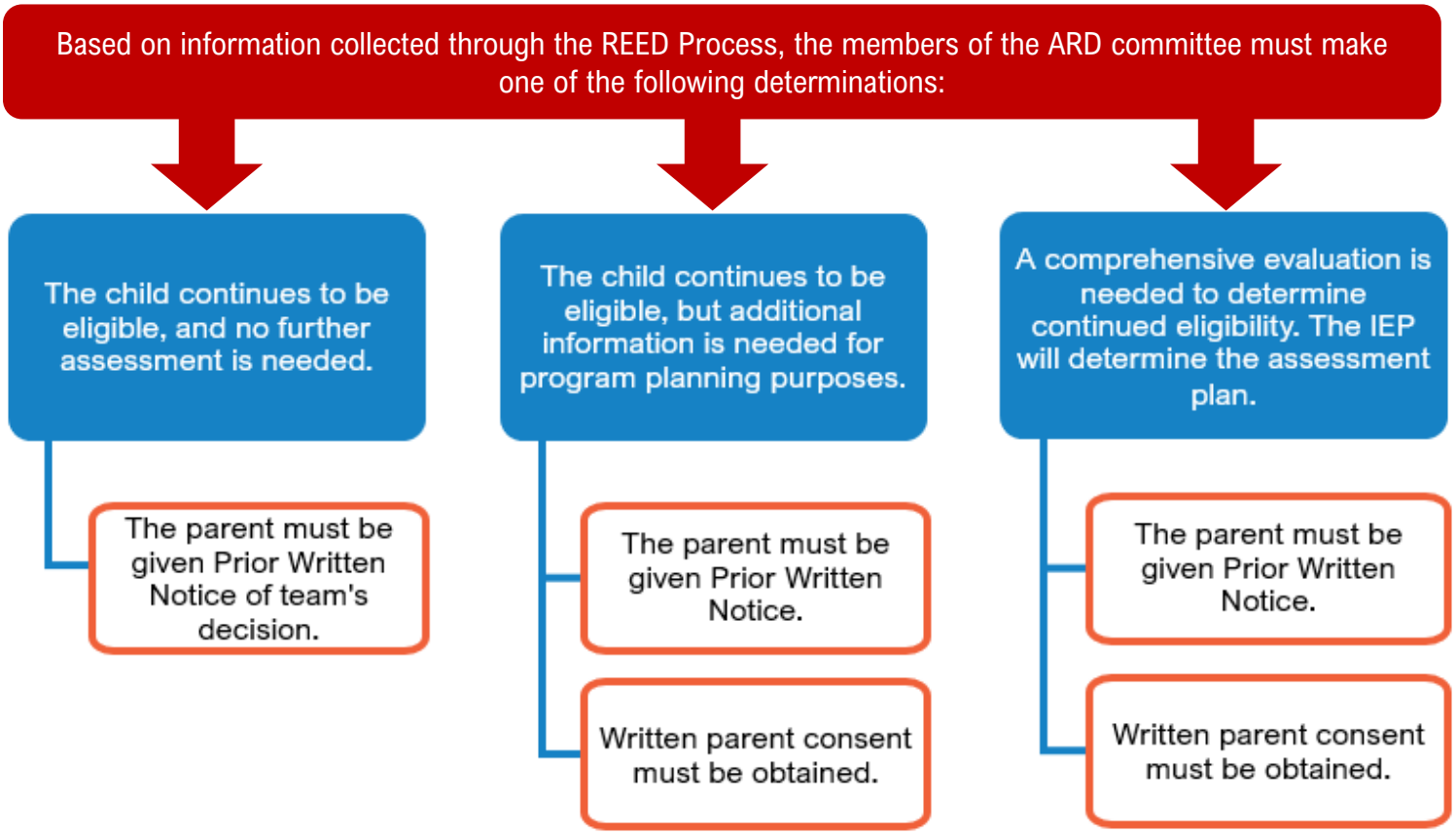
Reevaluation Procedures

Note:

- The REED must be conducted by the members of the student's ARD committee, and others as appropriate. However, this review process does not have to take place in an ARD committee meeting.
- A REED may or may not lead to additional testing/assessment procedures.
- The LEA must make reasonable efforts to obtain informed consent for a reevaluation. If the parent does not respond, despite reasonable efforts, the reevaluation can proceed.

If the parent refuses to consent to the reevaluation:

- The LEA may pursue the reevaluation using mediation or due process procedures.
- The LEA does not violate its obligation under the CHILD FIND DUTY and the EVALUATION PROCEDURES requirements if it declines to pursue the reevaluation.



Best Practice Tip

The LEA should maintain documentation of efforts to obtain parental consent. This could be in the form of written logs, certified mail receipts, checklists, email correspondence, or other methods of documentation.

Resources:

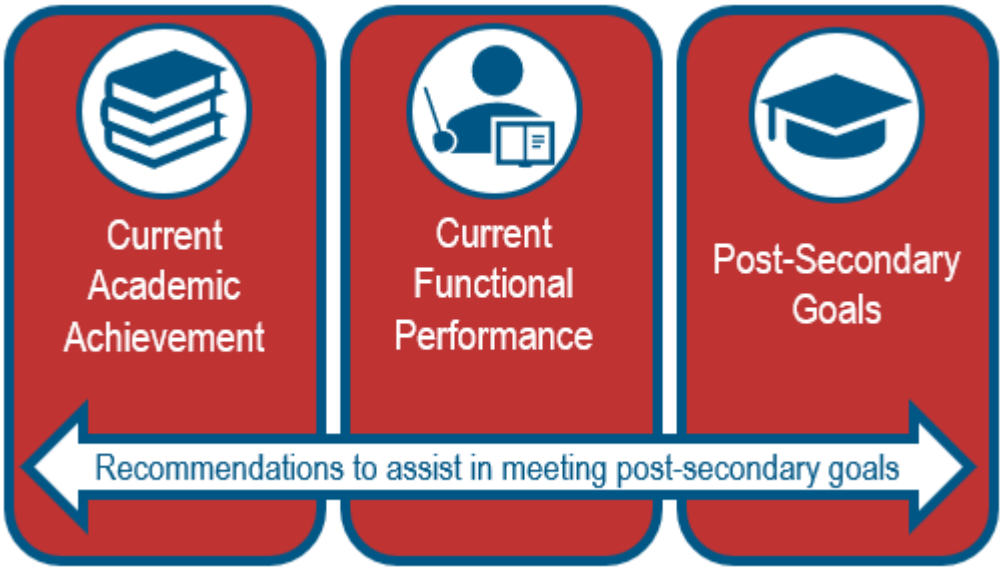
- Guidance Related to Evaluations: Review of Existing Evaluation Data
- Review of Existing Evaluation Data- FAQ

Summary of Performance and Evaluation

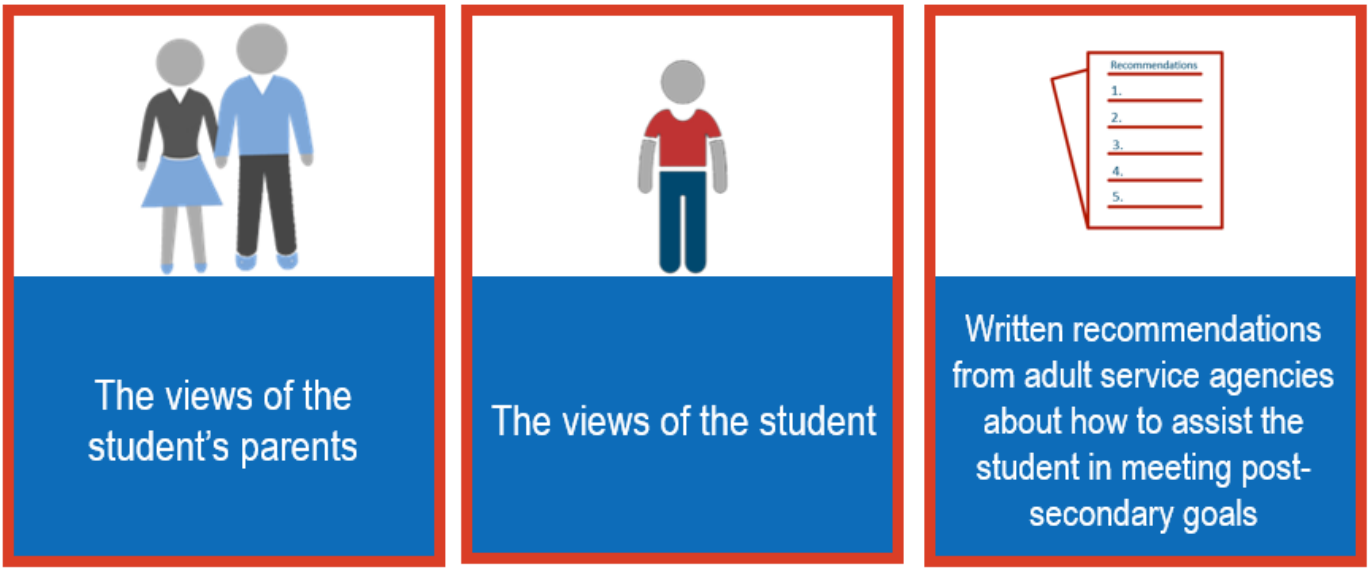
What is the Summary of Performance (SOP) and its purpose?

Summary of Performance refers to a document that is intended to be a useful resource for students, families, and employers or educators in post-secondary settings. It must include a summary of the student's academic achievement and functional performance, as well as recommendations about ways to help the student achieve post-secondary goals. It must consider, as appropriate, the views of the parent and student, as well as written recommendations from adult service agencies on how to assist the student in achieving post-secondary goals. The SOP should include information about accommodations that have been necessary and/or helpful to the student in performing academic and functional tasks. The overriding purpose of the SOP is to facilitate the student's post-secondary transition success.

The SOP includes information about:



The SOP must consider, as appropriate:



Which students must have an SOP?

Completion of the SOP is a legal requirement for all students receiving special education services who are graduating or are exiting public school due to age.

When must an evaluation be included in the SOP?

An evaluation must be included as part of the summary of performance for students graduating under the Foundation High School Program or the Minimum High School Program with at least one course containing modified curriculum. How the evaluation is included in the SOP is left to the discretion of the local education agency (LEA).

Is the LEA required to conduct a new evaluation as a part of the SOP?

If the student's evaluation is current, there is not a requirement to conduct a new evaluation. The current evaluation will be one of the sources of data utilized in writing the SOP.

Best Practice Tip

- The SOP is most useful when completed with the student's active participation during the transition process.
- Be specific in describing how accommodations have helped the student's functioning in relevant settings.
- Include the most current information about the student's abilities and aspirations.
- Ensure that the student receives a copy of their current evaluation with the SOP and understands the information.
- Encourage the student to "own" the SOP to facilitate self-advocacy.
- A well written SOP will make the reader feel like they know the student.

Photo Credit: Klein ISD

Tips for Working with Families:

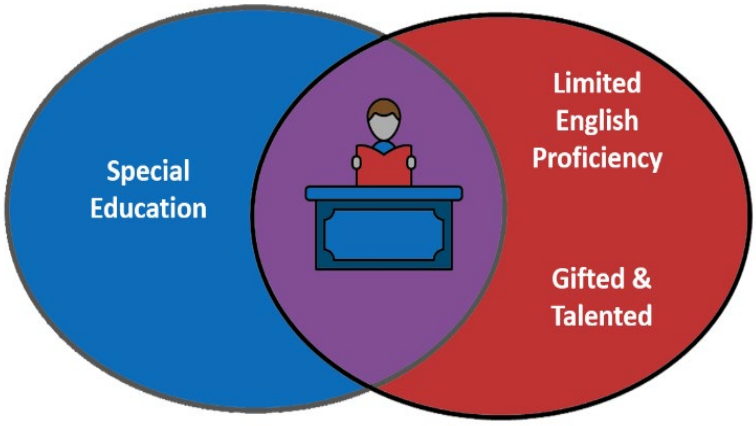
- Ensure families have a meaningful opportunity to provide information about their student.
- Encourage families to maintain a copy of the SOP for future educational and employment settings.

Resources:

- Federal and State Legal Requirements for the Summary of Performance.
- Graduation guidance from the Texas Education Agency for students receiving special education services.
- Sample Summary of Performance Document and Checklist used in another state and provided by the National Technical Assistance Center on Transition.
- Resources for transition specialists from the National Technical Assistance Center on Transition.

Special Circumstances Evaluation Areas

Children enrolled in Texas schools speak more than 120 different languages. Consequently, in Texas many children with disabilities are also English learners. Furthermore, children with disabilities may also be identified as gifted in comparison to same-aged peers.

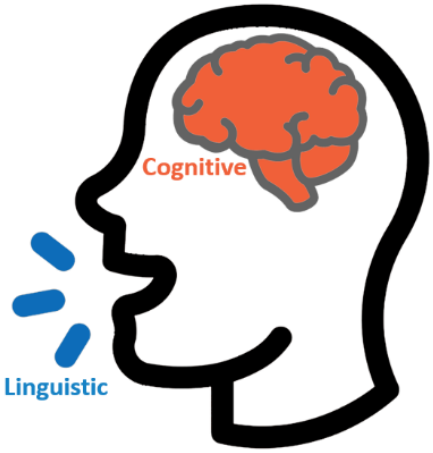


English Learners

When a child with a disability is, or might be, identified as an English learner the child's Admission, Review, and Dismissal (ARD) committee must work in conjunction with the language proficiency assessment committee (LPAC) to determine appropriate entry and exit criteria for the state Bilingual Education/English as a Second Language program.

The collaboration often occurs during meetings with key members of the ARD committee and key members of the LPAC. The discussions address:

- the student's cognitive and linguistic abilities, and affective needs;
- linguistic accommodations that will help the student access the general curriculum; and
- whether the student will benefit from second language acquisition services.



These informal meetings result in a plan that is presented to the ARD committee. Decisions about entry, appropriate linguistic accommodations, and exit are made by the ARD committee in conjunction with the LPAC committee. An LPAC member who is knowledgeable about the student is a required member of the ARD committee. The ARD committee must consider the student's language needs as they relate to the IEP.

Assessment Instruments

The decision for entry into a bilingual education or English as a second language (ESL) program must be determined by the ARD committee in conjunction with the LPAC and must comply with the STATE AND DISTRICTWIDE ASSESSMENTS framework.

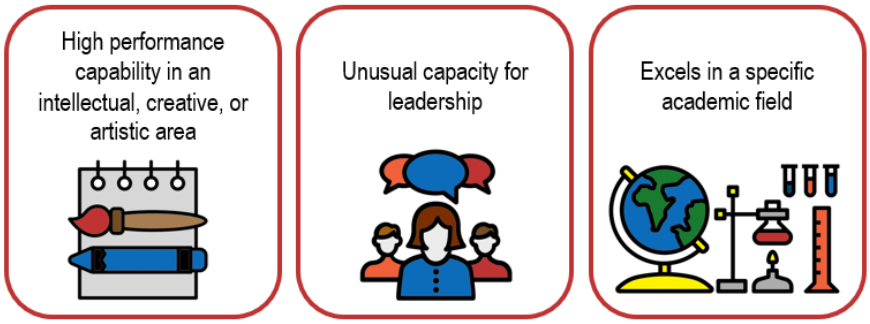
If the tests approved by the commissioner of education for indicating limited English proficiency would be inappropriate as part of the child's IEP, the ARD committee in conjunction with the LPAC must:

- determine an appropriate assessment instrument; and
- designate the level of performance for indicating limited English proficiency.

Twice-Exceptional

A twice-exceptional learner is a child who is gifted and talented, ***and*** qualifies for special education services. Based on LEA criteria, a child may be gifted and talented if he or she performs at or shows the potential for performing at a remarkably high level of accomplishment when compared to others of the same age, experience, or environment and who:

1. exhibits high performance capability in an intellectual, creative, or artistic area;
2. possesses an unusual capacity for leadership; or
3. excels in a specific academic field.



Twice-exceptional children tend to fall into one of these three categories, complicating identification:

- Students whose giftedness masks their learning and attention issues.
- Students whose learning and attention issues mask their giftedness.
- Students whose learning and attention issues and giftedness mask each other.

Dyslexia Screening and Identification

Because early intervention is critical, a process for early identification, intervention, and support for students at risk for dyslexia and related disorders must be available in each local educational agency (LEA) as outlined in *The Dyslexia Handbook—2018 Update: Procedures Concerning Dyslexia and Related Disorders*.

SCREENING should be conducted by individuals or professionals who are trained to assess students for dyslexia and related disorders.
Students enrolling in public school will be screened or tested, as appropriate, for dyslexia and related disorders at appropriate times in accordance with a program approved by the State Board of Education (SBOE).

Before an identification or assessment procedure is used selectively with an individual student, the LEA must notify the student's parent or guardian or another person standing in parental relation to the student.

Assistive Technology

The ARD committee must consider whether the child needs ASSISTIVE TECHNOLOGY devices or services.

The term *assistive technology* ***device*** (ATD) is any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of the child with a disability. The term ATD does not include a medical device that is surgically implanted, or the replacement of such device.

The term *assistive technology* ***service*** means any service that directly assists the child with a disability in the selection, acquisition, or use of an ATD, and includes the evaluation of the needs of the child, including a functional evaluation of the child in the child's customary environment. Rather than a one-time “event” conducted by a specialist, assistive technology assessment is best thought of as a collaborative process by which a team (e.g., ARD Committee) determines what technologies would improve a student's performance, participation, and independence.

The consideration of assistive technology devices and services is required during the development of every Individualized Educational Program (IEP) and every Individual Family Service Plan (IFSP) for children from birth to school age.

Best Practice Tips

The Quality Indicators for Assessment of Assistive Technology Needs (below) is a process used to identify tools and strategies to address a student's specific need(s):

Photo Credit: Klein ISD

1. Assistive technology assessment procedures are clearly defined and consistently used.
2. Assistive technology assessments are conducted by a multidisciplinary team that actively involves the student and family or caregivers.
3. Assistive technology assessments are conducted in the student's customary environments.
4. Assistive technology assessments, including needed trials, are completed within reasonable timelines.
5. Recommendations from assistive technology assessments are based on data about the student, environments and tasks.
6. The assessment provides the IEP team with documented recommendations about assistive technology devices and services.
7. Assistive technology needs are reassessed by request or as needed based on changes in the student, environments and/or tasks.

Resources:

U.S. Department of Education Tools And Resources For Addressing English Learners With Disabilities
TEA Multiple Exceptionalities and Multiple Needs website
TEA equity in Gifted Talented Education Website

Independent Educational Evaluation (IEE)

What is an IEE?

An *Independent Educational Evaluation (IEE)* means an evaluation conducted by a qualified examiner who is not employed by the local educational agency (LEA) responsible for the education of the child. A parent's right to request an IEE is a robust procedural safeguard described in the Notice of Procedural Safeguards.

Parent Request for an IEE

- Parents always have the right to obtain an IEE of their child at their own expense.
- Parents have the right to an IEE at the LEA's expense if they disagree with an evaluation provided by the LEA, unless the LEA:
  - Demonstrates at a due process hearing that its own evaluation of the child was appropriate; or
  - Demonstrates at a due process hearing that the evaluation obtained by the parents did not meet LEA criteria.
- Parents are entitled to only one IEE at public expense each time an LEA conducts an evaluation with which the parent disagrees.
- Parents may forfeit their right to an IEE at public expense if they fail to give consent for an LEA to conduct an evaluation.

Note:

- The parent does not have a right to an IEE at public expense until the LEA has first conducted an evaluation.
- The parent may request an IEE at public expense if the parent believes that the LEA's evaluation did not assess all areas of the child's need.

LEA's Response to Parent's Request for an IEE

If a parent requests an IEE at LEA expense, the LEA must, without unreasonable delay, either:

1. provide the parents with information about the LEA's criteria for IEEs, and ensure that a publicly funded IEE is provided,
2. file a due process hearing to ask a hearing officer to determine whether the evaluation the LEA conducted was appropriate, or
3. demonstrate in a hearing that the IEE the parent obtained did not meet the LEA's criteria.

Photo Credit: Klein ISD

Note:

- An LEA may ask the parents why they want their child to be independently evaluated, but the parents are not required to answer.
- LEAs may not reevaluate or conduct a missing assessment instead of responding to an IEE request.
- If a due process hearing officer determines that the LEA's evaluation is appropriate, the parent still has a right to an IEE, but not at public expense.
- If a hearing officer requests an IEE as part of a hearing on a due process complaint, the cost of the evaluation must be the responsibility of the LEA.

LEA's Criteria for IEE

LEAs must not impose criteria or requirements that constitute barriers or pose equity issues for families in obtaining an IEE at public expense. Examples of criteria that could constitute a barrier or cause equity concerns are things such as unreasonably restricting evaluation costs or requiring families to cover associated costs up front and later be reimbursed by the LEA.
In addition, LEAs may not require parents to submit bills for the cost of an IEE to their private insurance companies. These practices can incur costs to the parents that are not readily apparent, such as increased insurance premiums or a decrease in available lifetime coverage. LEAs may only access a parent's private insurance proceeds if the parent provides informed consent and does so each time the LEA proposes to access the parent's insurance.

The consent sought by the LEA must

- fully inform parents that there may be financial consequences from the use of their insurance;
- state that parents should check with their insurance provider to better understand possible future financial costs to them;
- inform parents that they may refuse to use their insurance;
- and inform parents that their refusal to do so will not relieve the LEA of its duty to ensure that all required services are provided at no cost to the parent.

The LEA's criteria for IEE must be the same as the criteria that the LEA uses for its own evaluations. The criteria must be consistent with a parent's right to an IEE, and the LEA may not impose additional conditions or timelines related to obtaining an IEE at public expense. Parents must be given an opportunity to demonstrate unique circumstances that allow for a deviation from the criteria established by the LEA.

Location, or the geographical area in which parents may select an evaluator *(Example: The independent evaluator must be located within a 125-mile radius of the LEA.)*

Qualifications of the examiner *(Example: The independent evaluator will have the same qualifications required for LEA evaluation personnel, such as, licensed specialist in school psychology (LSSP) for a psychological evaluation)*

Note: LEAs should maintain a list of qualified evaluators to provide parents, along with information on how and where to obtain an IEE. An LEA's regional education service center (ESC) can assist with compiling such a list. Parents are free to select an evaluator who is not on the list as long as the evaluator meets other LEA criteria, unless the criteria would limit a parent's right to obtain an IEE at public expense.

State/federal requirements applicable for all evaluations apply for the IEE, including provision of a written report

Cost Criteria: LEAs are not required to pay unreasonable fees for an IEE. However, when addressing the cost of the IEE, LEAs must be prepared to recognize unique circumstances affecting IEE cost. Those circumstance may justify a more expensive evaluation. While it is permissible to set reasonable pricing thresholds, LEAs need to be flexible depending on the nature of the requested IEE. The threshold cannot prevent the parent from obtaining an IEE at public expense.

Payment Procedures: The procedures must ensure that the parent's personal finances do not create a barrier to obtaining an IEE. For some parents, a rigid procedure that requires parents to pay an evaluator directly may be found to deny a parent the right to a publicly funded IEE.

Note:

- LEAs need to provide the same access for classroom observations to IEE providers as given to LEA staff.
- Parents must sign consent for release of confidential information about their child to the IEE provider in order for the LEA to provide access to the child's educational records.
- LEAs should not restrict which assessments IEE providers can use. Such a practice would limit professional judgment.

LEA's Obligation to Consider an IEE

- If the parent obtains an IEE at the LEA's expense or shares an evaluation obtained at private expense, the ARD committee must consider the results of that evaluation when making decisions involving the provision of a free appropriate public education (FAPE) to the child.
- The ARD committee will include an individual from the LEA who can interpret the instructional implications of evaluation results.
- While the ARD committee, including the parents, must consider the results of an IEE, it has no obligation to adopt the evaluator's recommendations or conclusions

Best Practice Tips

- Address the LEA's criteria for an IEE in its Special Education Operating Procedures. Do not wait until an IEE is requested to assemble a list of evaluators and evaluation criteria.
- Work closely with the LEA's finance office. There should be a mutual understanding between special education and the finance office of the process for contracting between the LEA and an IEE provider. This will expedite the process when parents make a request for an IEE. LEAs are encouraged to contract directly with IEE providers. Payment for services can be delivered within a defined time limit after receipt of the written IEE report.
- Explain to the parent that the LEA has the right to conduct its own evaluation prior to paying for an IEE.
- Make sure the LEA's evaluation is comprehensive, and the child is evaluated in all areas of suspected disability.
- Give more than a cursory consideration to an IEE. Carefully review it with the parent explaining areas of agreement and disagreement.
- Request that parents notify the LEA of specific areas of disagreement and questions to be addressed by the IEE. Remember, however, that parents are not required to provide an explanation.

Role of the ARD Committee: Eligibility Decision

Eligibility Decision

Upon completion of the FULL AND INDIVIDUAL INITIAL EVALUATION (FIIE), the Admission, Review, and Dismissal (ARD) committee must determine whether:

- The child is a child with a disability; and
- By reason of the disability, the child needs special education and related services.

The multi-disciplinary evaluation team makes **recommendations** about eligibility in the FIIE. Only the ARD committee has authority to make eligibility decisions.

Only the ARD committee has authority to make eligibility decisions.

Timeline for Initial ARD Committee Meeting

The ARD committee must make its decisions regarding the child's initial eligibility determination and, if appropriate, IEP and placement within 30 calendar days from the date of the completion of the written FIIE report unless one of the following situations applies:

- If the 30th day falls during the summer and school is not in session, the ARD committee has until the first day of classes in the fall to finalize its decisions, unless the initial evaluation indicates that the child will need extended school year services during that summer; or
- If the LEA received the written consent for the evaluation from the parent at least 35 but fewer than 45 school days before the last instructional day of the school year and the child was not absent from school three or more days between the time that the LEA received written consent and the last instructional day of the school year, the ARD committee must meet not later than the 15th school day of the following school year, unless the initial evaluation indicates that the child will need extended school year services during that summer.

Analysis of Determinant Factors

A child must **not** be determined to be a child with a disability:

- If the causal factor is:
  - Lack of appropriate instruction in reading, including the essential components of reading instruction which means explicit and systemic instruction in:
    - Phonemic awareness
    - Phonics
    - Vocabulary development
    - Reading fluency, including oral reading skills and
    - Reading comprehension strategies
  - Lack of appropriate instruction in math; or
  - Limited English proficiency; and
- If the child does not meet eligibility criteria.

Need for Special Education and Related Services

If a child has one of the 13 disabilities identified in Texas, but only needs RELATED SERVICES and not special education services, the child is not a child with a disability under the Individuals with Disabilities Education Act (IDEA).

Tip for Working with Families:

- Review the FIIE with the parent and provide a copy prior to the ARD committee meeting to give them time to review and prepare.
- Ensure the parent has an opportunity for meaningful input in the ARD process. Explain to the parent that the determination of eligibility is one of the first decisions made with the parent's input.

Best Practice Tip

- Remember, the fact that a student performs well academically does not necessarily make him ineligible for special education services. Carefully consider any factors, such as behaviors, that interfere with learning.

Resources

Bilingual Education/English as a Second Language program

Tools and Resources For Addressing English Learners with Disabilities

Child Find Duty

Child Find, Evaluation, and ARD Supports Network

Child with a Disability Defined

Children who Transfer During the Evaluation Process

CONSENT for Evaluation

Dyslexia, Dysgraphia, and Dyscalculia Guidance

Dyslexia Screening

- Frequently Asked Questions: Dyslexia and Related Disorders- March 2019
- The Dyslexia Handbook—2018 Update: Procedures Concerning Dyslexia and Related Disorders
- Webinar: Dyslexia and Related Disorders in the IEP

Early Childhood Intervention Services

- Early Childhood Intervention for Students with Auditory or Visual Impairments
- Early Childhood Intervention Memorandum of Understanding
- Beyond ECI
- Health and Human Services ECI Parent Handbook
- ECI Accessible Transition Flowchart
- ECI Transition Flowchart

Full and Individual Initial Evaluation (Evaluation Procedures)
Full and Individual Initial Evaluation Timeline
Gifted and Talented Frequently Asked Questions
Gifted Talented Education Website (TEA)
Graduation Guidance
Graduation Requirements
Guidance on Adverse Affect on Educational Performance
Independent Educational Evaluation (IEE)
Language Difference versus Disability
Legal Framework
Multi-Tiered Systems of Support Q & A
Need for Related Services Only
Notice of Procedural Safeguards
Notification of Evaluation and Programs for Children ages 3 to 5 Parent Request for Evaluation
Prior Written Notice (PWN)
Requirement for Assistive Technology Devices and Services
Resources for transition specialists
Review of Existing Evaluation Data (REED)

- Guidance Related to Evaluations: Review of Existing Evaluation Data
- Review of Existing Evaluation Data (REED) FAQs
- Special Education Reevaluation Process Flowchart

Sample Summary of Performance Document and Checklist
Special Education Complaints Process
Special Education Dispute Resolution Process
Special Education Eligibility Criteria for Disability Categories
SPP Indicator 11 Frequently Asked Questions
SPP Indicator 12 Frequently Asked Questions
State and Districtwide Assessments
Student Handbook Statement
Students with Disabilities in Private School
Summary of Performance
Texas Education Agency
Twice-Exceptional Learner

Texas Special Education Statewide Leadership Networks:

(Scan the QR Code or click on the boxes below to go directly to the website)

- Child Find, Evaluation, and ARD Supports
- School, Family, and Community Engagement
- Inclusion in Texas
- Texas Statewide Leadership for Autism Training (TSLAT)
- Tiered Interventions using Evidence-Based Research (TIER)
- Texas Complex Access Network (TX CAN)
- Texas Sensory Support Network (TxSSN)
- Small and Rural Schools Network (SRSN)
- Student-Centered Transitions Network (SCTN)
- Multiple Exceptionalities and Multiple Needs (MEMN)

Additional Special Education Resources:

(Scan the QR Code or click on the boxes below to go directly to the website)

- framework.esc18.net
- 432-561-IDEA
- THE LEGAL FRAMEWORK for the Child-Centered Special Education Process
- tea.texas.gov/TexasSped
- 512.463.9414
- TEA Texas Education Agency

Special Education Resources for Parents and Families:

(Scan the QR Code or click on the boxes below to go directly to the website)

- spedtex.org
- 1.855.773.3839
- SpedTex Special Education Information Center
- prntexas.org
- 1.800.866.4726
- Partners Resource Network Empowerment Through Education

Texas Education Agency

twitter.com/
TexasEducationAgency
#IAmTXEd

tea.texas.gov

facebook.com/
TexasEducationAgency

Copyright © 2020. Texas Education Agency. All Rights Reserved.