

Template update October 2024

Legal Framework: AGES 0-5

[Related Resources](#)

Broad Category: CHILD FIND

PROCEDURES:

AGES 0-5

What is Required

The District must provide FAPE to all eligible students with disabilities ages 3 through 21.

District Special Education Administration must develop a system to inform parents of students from ages 3 to 5, including those students placed in private preschool or daycare, who are eligible for enrollment in a special education program of the availability of the program. Students with visual impairments, or who are deaf or hard of hearing, must have FAPE made available as set out in an Individualized Family Service Plan (IFSP) from birth through 2 years of age and an Individualized Educational Program (IEP) for those students aged 3 and older.

Noncategorical Early Childhood

In addition to the other eligibility categories under the IDEA, students between the ages of 3 through 5 may qualify for special education services as having a noncategorical early childhood disability. “Noncategorical early childhood disability” may apply to a student between the ages of 3 to 5 that is evaluated as having an intellectual disability, and emotional disturbance, a specific learning disability, or autism. This noncategorical disability code will only be accepted through the 2024-2025 academic school year.

Beginning with the 2025-2026 school year, Noncategorical Early Childhood (NCEC) must no longer be used (a student already identified as NCEC and is still within the age range of 3-5 years old may continue as NCEC until the required re-evaluation before 6). Definition and age ranges (3-9) for this eligibility category are described in this rule 19 TAC §89.1040(c)(13).

Individualized Family Services Plan (“IFSP”) for VI and DHH Students

An IFSP should be held in place of an ARD meeting for students from birth through two years of age with a visual impairment and/or who is deaf or hard of hearing. The IFSP team must include the student’s parent or guardian and other Campus and District Special Education Personnel.

The IFSP team must determine the appropriate setting for providing the services based on the student’s outcomes that are identified by the IFSP team at the IFSP meeting. Home instruction may be appropriate for infants and toddlers under age 3.

Instructional setting for infants and toddlers under age 3 will be determined in accordance with the IFSP, current attendance guidelines, and the MOU between TEA and Early Childhood Intervention (ECI) services.

The IFSP must include:

- The student’s present levels of physical development—including vision, hearing, health status, cognitive development, communication development, social or emotional development, and adaptive development based on the information from the student’s evaluation and assessments;
- A statement about the family’s resources, priorities, and concerns relating to the student’s development;
- Expected measurable results or measurable outcomes that are developmentally appropriate for the student and the family, as well as the criteria, procedures, and timelines used to determine progress and whether modifications or revisions to the expected results or outcomes, or early intervention services, are necessary;
- Any specific early intervention services needed to meet the unique needs of the student or family, including the length, duration, frequency, intensity, and method of delivering the services;
- A statement that the early intervention services are provided in the student’s natural environment to the maximum extent possible—as well as the location of the early intervention services and payment arrangements, if any—or an explanation as to why they cannot be;
- An educational component promoting school readiness that includes pre-literacy, language, and numeracy skills (for those students ages 3 through 5 only);
- The date services will begin;
- The anticipated duration of each service; and
- The name of the service coordinator responsible for implementing the services;
- Steps and services that will be taken to encourage a smooth transition from IDEA-C services to IDEA-B services, if appropriate, or other appropriate services.

Where appropriate, the IFSP should also include:

- Any medical and other services that the student or family needs and is receiving through other sources not required or funded under Part C of IDEA; and
- Any steps that the service coordinator or family can take to help the student and family obtain such services if not currently provided.

Transition from ECI to Preschool Programs

District Special Education Personnel must ensure a smooth and effective transition for students receiving ECI services under Part C of the IDEA to preschool special education programs under Part B of the IDEA.

Unless the student with a disability’s parent has notified the Health and Human Services Commission (“HHSC”) in writing of the decision to opt out, the HHSC will notify District Special Education Administration not fewer than 90 days before the student’s third birthday that the student will soon reach the age of eligibility under Part B of the IDEA. If a student is determined to be eligible for services under Part C of the IDEA more than 45, but less than 90, days before the student’s third birthday, HHSC will notify District Special Education Administration as soon as practicable. If a student is referred for special education services under Part C of the IDEA fewer than 45 days before the student’s third birthday, HHSC will obtain parental consent to refer the

student to District Special Education Administration but is not required to conduct an evaluation, assessment, or initial IFSP meeting.

Notification from HHSC will abide by state policies related to confidentiality of personally identifiable information—including the ability of a parent to object to disclosure of personally identifiable information—and early intervention records. Unless a parent objects to the HHSC notification, the notification must include the student’s name and date of birth, as well as contact information for the parents.

Upon approval of the family, HHSC will convene a transition conference with the family not fewer than 90 days but not more than nine (9) months before the student’s third birthday to discuss whether the student will receive services under Part B of the IDEA. The transition conference may be combined with initial and annual IFSP meetings where appropriate. District Special Education Personnel will participate in transition conferences arranged by HHSC to fully inform families of the possible services available under Part B and support family involvement in the transition planning process prior to the child’s third birthday.

In the case of a student who was previously served under Part C services, District Special Education Personnel will send an invitation to the initial ARD Committee meeting at the request of the parent to the student’s service coordinator of Part C services or other appropriate representatives to assist with a smooth transition.

Individualized Education Program (“IEP”)

District and Campus Special Education Personnel must ensure that an IEP is implemented by the third birthday of all eligible students with disabilities. The ARD meeting and the IEP developed at the ARD meeting must meet all requirements under state and federal law. *See* [ADMISSION, REVIEW, AND DISMISSAL COMMITTEE] and [PRIOR WRITTEN NOTICE].

The IEP must provide special education and related services in the student’s least restrictive environment. *See* [LEAST RESTRICTIVE ENVIRONMENT]. The ARD Committee may agree to provide home instruction for students ages 3 through 5 if it is determined to be the student’s least restrictive environment. The student’s ARD Committee must determine the date services will begin for a student turning three (3) years old during the summer.

Dual Enrollment

A student ages 3 or 4 may be dually enrolled in both public and private school beginning on the student’s third birthday until the end of the school year in which the student turns five or until the student is eligible to attend the District’s kindergarten program, whichever comes first. If the parent of a student residing within the District chooses dual enrollment, District Service Providers must provide special education and related services to the student. *See* [CHILDREN IN PRIVATE SCHOOLS].

Definitions

“Individualized family service plan” or “IFSP” means a written plan for providing early intervention services to an infant or toddler with a disability and the infant’s or toddler’s family that is based on an evaluation and assessment, includes the content required by law, is implemented as soon as possible once parental consent for

the early intervention services in the IFSP is obtained, and is developed in accordance with the procedures outlined in law.

“Private school” is a private elementary or secondary school, including any pre-school, religious school, and instructional day or residential school that is a nonprofit entity and provides elementary and secondary education that incorporates an adopted curriculum designed to meet basic educational goals, including scope and sequence of courses, and formal review and documentation of students’ progress.

“Noncategorical early childhood disability” means a condition of developmental delay where a student between the ages of three to five has been identified as having an intellectual disability, an emotional disturbance, a specific learning disability or autism.

Noncategorical Early Childhood- Through school year 2024-2025

Following a referral for possible special education services for a student ages 3 through 5 or upon notice from HHSC, District Special Education Personnel will conduct an evaluation that assesses a student ages 3 to 5 [or about to turn 3] in all areas of suspected disability to determine if the student has a disability and is in need of special education and related services. *See* [EVALUATION PROCEDURES]. For students ages 3 to 5, the group of qualified evaluation professionals that collects or reviews evaluation data may determine that the student qualifies as noncategorical early childhood disability. A student may be eligible for special education services based on the noncategorical early childhood (NCEC) disability category if the student has a condition or developmental delay and meets eligibility criteria for an intellectual disability, an emotional disturbance, a specific learning disability, or autism.

If the student is identified as eligible to receive special education and related services based on a noncategorical early childhood disability, the ARD Committee will develop an IEP providing special education and related services in the student’s least restrictive environment and meet annually to review and revise the plan. Noncategorical Childhood Disability eligibility may not be used after a student turns 6. Therefore, if a student is identified as eligible with a Noncategorical Early Childhood Disability, the ARD Committee will need to conduct a REED, and if formal evaluation is necessary, the student will need to be evaluated and an ARD Committee meeting held prior to age 6 to determine if the student is eligible under another disabling condition and is still in need of special education and related services.

Beginning with the 2025-2026 school year, Noncategorical Early Childhood (NCEC) must no longer be used (a student already identified as NCEC and is still within the age range of 3-5 years old may continue as NCEC until the required re-evaluation before 6). Definition and age ranges (3-9) for this eligibility category are described in this rule 19 TAC §89.1040(c)(13).

IFPS for VI and DHH Students

For a student from birth through two years of age with visual impairments and/or who are deaf or hard of hearing, an individualized family services plan IFSP meeting will be held in place of an ARD Committee meeting in accordance with the law and the memorandum of understanding between the Texas Education Agency and the Department of Assistive and Rehabilitation Services. The District will make special education

services available to a student from birth to age 2 who has a visual impairment or who is deaf or hard of hearing, and whom an IFSP committee has determined to be eligible for special education services. Such a student is eligible for average daily attendance (ADA) based on the amount of time that they receive special education services.

Transition from ECI to Preschool Programs

For those students already receiving ECI services, District Special Education Administration will communicate on a regular basis at least monthly with the HHSC regarding students that will soon reach age 3. A time will be set monthly for the ECI service provider to schedule a transition planning conference with a District Special Education representative and the parent(s) of a student served by ECI in-person or virtually. A planning conference can occur when the student is 27 months of age, but no later than 33 months of age. If the parent(s) do not attend a Transition Planning Conference but do desire their student to transition to the District for services, the ECI agency may provide referral information data to the District Special Education Administration. The District Special Education Administration will then contact the parent in order to initiate the referral.

District Special Education Personnel will complete the student-centered process, including evaluation and ARD. A review of existing evaluation data, timelines and referral requirements will be conducted as follows:

- The District Special Education Administration will receive referrals from an ECI agency no less than 90 days or no more than 9 months prior to the student's third birthday. When referrals are received less than 90 days before the student's third birthday, the ECI agency should provide documentation of the reason for the delay to the District.
- Special Education Administration will contact the parent to obtain the parent intake information needed for the referral, including signed parent consent to evaluate.
- An evaluation and the ARD process will be completed within the required timelines.
- The ARD Committee will determine eligibility. To ensure a smooth transition of services, District Special Education Personnel will invite the student's service coordinator of Part C services or other appropriate representatives to the initial ARD meeting if the parent requests it.
- An IEP that provides services in the least restrictive environment will be developed for students who meet eligibility requirements. The ARD Committee may provide home instruction for a student aged 3 to 5 if there is agreement that home instruction is the student's least restrictive environment.
- Eligible students who transition from Part C to Part B will receive services, as determined by the ARD Committee, beginning on or by their third birthday, with parental consent for placement.
- If an eligible student's birthday occurs during the summer, the ARD Committee will determine the date services under the IEP will begin.

Students Not Previously Served by an ECI Program

Referrals for students aged 3 to 5 who have not previously received ECI services may be initiated in a variety of ways. See [CHILD FIND DUTY]. Parent/guardians, medical personnel or other concerned individuals may make a referral to the District's Special Education Department on behalf of a student who is suspected of having a disability and who is in need of special education services.

If the District is contacted about a student, ages birth through two, with a suspected developmental delay, the parent/guardian or other concerned party will be referred to an ECI program within the District attendance boundaries. For students referred between the ages of 2 years, 9 months and 5 years of age prior to September 1

of the current school year, the District will complete the referral and evaluation process in a timely manner by following the required initial evaluation timelines.

District Special Education staff members will contact the parent by phone, obtain the information required for a referral and complete the referral form. Information collected will include the parent's concerns, medical information, screening information and the results of any additional assessments the student may have been administered. A review of referral information by the Special Education evaluation staff is utilized to identify evaluation needs. The student's case is assigned for evaluation based on the needs and the suspected area of disability (developmental, communication, atypical behavioral). These procedures will also apply to students placed in private preschool or daycare.

Dual Enrollment

Parents of an eligible student ages 3 or 4 may choose to be considered for a services plan or may choose to dual enroll their student in both the District and a private school beginning on the student's third birthday. The District will then be responsible for providing special education and related services to the student. The ARD Committee will develop an IEP for the student that is designed to provide the student FAPE in the least restrictive environment. The ARD Committee will determine which special education and/or related services will be provided to the student and whether the services will be provided on a District campus or at the private school. Services may be provided on the premises of a private school, including a religious private school, to the extent consistent with the law.

Unless the parent or guardian choose to end the dual enrollment period early, District Special Education Personnel will continue to provide special education and related services in the location determined by the ARD Committee until either the end of the school year in which the student turns five or when the student is eligible to attend the District's kindergarten program, whichever comes first.

The District will respond to any TEA complaint by the parent regarding the implementation of the student's IEP in dual enrollment, but the District will not be required to participate in a due process hearing related to such complaints.

If the parent chooses a services plan in lieu of dual enrollment, the student may receive limited services, as determined by representatives of the school district and private school. No parentally placed private school student with a services plan has a right to receive some or all the services the student would receive if enrolled in a District school.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

Evidence of Implementation • ARD/IEP

- Individualized Family Service Plan
- Communications/Meetings with HHSC
- HHSC Notification to Parent or Guardian
- Written Consent for Initial Evaluation

- Evidence of Consultation with Private School Representatives
- Individualized Services Plan
- Documentation of Services Provided to Students Participating in Dual Enrollment
- Documentation of Child Find Efforts
- Initial FIE
- Documentation for the state in TSDS, PEIMS, and SPP