

**Dallas Independent School Dallas ISD**

**Special Education Operating Procedures**

**Manual 2025-2026 School Year**

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CHILD FIND

CHILD FIND DUTY

*February 2025*

## CHILD FIND DUTY

### *What is Required*

All students residing within the Dallas ISD who have disabilities, regardless of the severity of their disabilities, and who need special education and related services must be identified, located, and evaluated. This responsibility includes, but is not limited to:

- Homeless students;
- Students who are wards of the state;
- Highly mobile students (including migrant students);
- Students who are suspected of needing special education but who are advancing from grade to grade;
  - Students attending private schools (including home-schools);
  - Students in residential facilities; and
  - Incarcerated students.


### Pre-Referral Support Services

Students not making progress in the general education classroom should be considered for all support services available to all students such as tutorial, compensatory, response to evidence-based interventions, and other academic or behavior support services. However, the Dallas ISD cannot require the student to participate in any of these prior to requesting an initial referral to special education or completing a FIEE. Referrals to special education may be initiated at any time by a parent, school personnel, or another person involved in the care of the student.

### Right to Information for Students with Learning Difficulties

Each school year, Campus Personnel must provide notice to the parent of every non- special education student who receives assistance from the Dallas ISD for learning difficulties (including Section 504 students). This notice should be written in English or, to the extent practicable, in the parent's native language and be provided when the student begins to receive assistance for that school year. It should include the following:

- A reasonable description of the assistance the student may receive, such as any intervention strategies that may be used;
- Any information collected related to interventions that have been previously used



## Child Find

with the student;

- An estimated duration for which the assistance will be provided;
- An estimated time frame for when the parent will receive reports on the student's progress; and
- A copy of the Texas Education Agency's explanation of the options and requirements for providing assistance to students who have learning difficulties or who need or may need special education (TEA's "Aiding Students Who Have Learning Difficulties or Who Need Special Education or Section 504 Services").

## Notice of Rights for a Referral

The Texas Education Agency has developed a notice for distribution and posting on the agency's website that indicates:

The change made from 2016 to 2017 in reporting requirements for school Dallas ISDs and open-enrollment charter schools regarding the special education representation indicator adopted in the Performance-Based Monitoring Analysis System Manual; and

In plain language, the rights of a child under both federal and state law and the general process available to initiate a referral of a child for a full individual and initial evaluation to determine the child's eligibility for special education services.

The Dallas ISD must complete the customizable sections of this notice developed by TEA with information indicating where the local processes and procedures for initiating a referral for special education services eligibility evaluation may be found. The Dallas ISD was required to provide this notice to the parent of each child who attended school in the Dallas ISD or at the Dallas ISD at any time during the 2019-2020 school year. The Dallas ISD was required to affirm compliance with this requirement by April 30, 2020. The Dallas ISD must also make the notice available on request to any person. The notice must be available in English and Spanish, and the Dallas ISD must make a good faith effort to provide the notice in the parent's native language if the parent's native language is a language other than English or Spanish. This notice requirement expires on September 1, 2023.

## Disproportionality

Dallas ISD must comply with the state's policies and procedures to ensure that students are not inappropriately overidentified or disproportionately represented by race and ethnicity, including students with disabilities with a particular impairment.

### Child Find for Children in Private Schools

The Dallas ISD must locate, identify, and evaluate all students with disabilities who are parentally placed in private schools—including religious, elementary, and secondary schools—located in its jurisdiction. To do so, the Dallas ISD Special Education Administration must timely and meaningfully consult with representatives of private schools located within the Dallas ISD and conduct a thorough and complete child find process. The Dallas ISD must conduct the child find process for students parentally-placed in private schools in a manner comparable to that of students with disabilities enrolled in Dallas ISD campuses. The Dallas ISD Special Education Administration must maintain records and provide information to TEA indicating the number of students parentally-placed in private schools within the boundaries of the Dallas ISD that have been evaluated, determined to be students with disabilities, and served. All child find efforts must comply with requirements related to proportionate share funding for students parentally- placed in private schools. See [PROPORTIONATE SHARE FUNDING FOR CHILDREN PARENTALLY- PLACED IN PRIVATE SCHOOLS].

If the Dallas ISD is the student’s Dallas ISD of residence, rather than the Dallas ISD in which the private school is located, the Dallas ISD cannot refuse to conduct the evaluation and determine the student’s eligibility for FAPE just because the student attends a private school in another Dallas ISD.

A home school in Texas may be considered a private school. In order to be considered a private school, a home school must provide elementary or 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, but is not required to be a nonprofit entity.

#### Referral to Dallas ISD

When a student with a disability or a suspected disability is placed directly by the parent in a private school and is referred to the Dallas ISD, the Dallas ISD or Campus Special Education Assessment Personnel will evaluate the student in accordance with the evaluation procedures and hold an ARD Committee meeting to consider the evaluation and determine whether the Dallas ISD can offer the student FAPE. See [EVALUATION PROCEDURES].

However, the Dallas ISD is not responsible for providing FAPE until such time as the student’s parent chooses to enroll the student in the Dallas ISD full time. Specifically, no student with a disability parentally-placed in a private school has an individual right to receive in the private school some or all of the special education and related services that the student would receive if enrolled in a Dallas ISD school.

A student with a disability parentally-placed in private school may receive some special education and related services if the Dallas ISD designates the student to receive service under a proportionate share services plan.

Consultation


The Dallas ISD Special Education Administrator(s) must consult with parents and representatives of private schools regarding:

- The Child Find process, including how parentally-placed private school students can be involved in the process and how parents, teachers, and private school officials will be notified about the process;
- The determination of how much proportionate share funding will be made available for services;
- The consultation process between the Dallas ISD, private school officials, and the parent of a parentally-placed private school student to ensure meaningful opportunity to participate in the student's special education program;
- The provision of special education and related services which will be provided for students with disabilities parentally-placed in private schools, including the types of services and alternative service delivery mechanisms, how services will be apportioned if funds are insufficient; and how and when decisions regarding services will be made.

If the private school officials disagree with the Dallas ISD Special Education Administrator regarding the provision or types of services, the Dallas ISD Special Education Administrator will provide the private school a written explanation of the reasons why the Dallas ISD will not provide such services.

The Dallas ISD Special Education Administrator will obtain a written affirmation signed by the private school officials stating that timely and meaningful consultation has occurred. If the private school fails to provide a written affirmation within a reasonable time, the Dallas ISD Special Education Administrator will forward documentation of the consultation process to TEA. Right of Private School Official to Submit a Complaint

A private school official has the right to submit a TEA complaint that the Dallas ISD did not engage in consultation that was meaningful and timely or did not give due considerations to the views of the private school official. The complaining private school official must provide the basis of the complaint to TEA and the Dallas ISD Special Education Administration will provide appropriate documentation in response. If the private school official is dissatisfied with the response, the official may submit a complaint to the United States Secretary of Education.



## Child Find Duty

### Child Find and Students Placed in Disciplinary Alternative Education Programs

Following the placement of a student in a disciplinary alternative education program (“DAEP”) and as part of a student’s personalized transition plan following release from an alternative education program, a Campus Administrator must provide information to the student’s parent regarding the process for requesting a special education evaluation under the IDEA. This requirement does not apply to students who are already served under the IDEA.

### Child Find and Youth Who Reside in Residential Facilities

The Dallas ISD shall initiate Child Find outreach activities to locate, evaluate, and identify all eligible students in any residential facility within its boundaries. The Dallas ISD shall provide the required special education and related services to the student unless the facility can demonstrate that the services are provided by another educational program provider, such as a charter school, approved nonpublic school, or a facility operated private school. However, Dallas ISD Special Education Administration shall contact the facility at least twice per year to conduct Child Find activities as indicated above and to offer services to eligible students with disabilities.

### Child Find and Youth Who Are Incarcerated

Dallas ISD Special Education Administration will maintain a record of incarcerated youth within the Dallas ISD. Except as explained above for individuals ages 18-21, Dallas ISD Special Education Personnel will identify, locate, and evaluate incarcerated youth with disabilities within the Dallas ISD. To do so, Dallas ISD Special Education Personnel will communicate with individuals who are most likely to come into contact with incarcerated youth to identify students suspected of having a disability and ensure a timely evaluation is conducted where appropriate.

## Definitions

“Student with a disability” includes a student who was evaluated according to the FIE requirements and determined by an ARD Committee to have an intellectual disability, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance, an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services.

“Special education” means specially designed instruction, at no cost to the parents, to meet the unique needs of a student with a disability.

“Specially-designed instruction” means adapting, as appropriate to the needs of an eligible student under the IDEA, the content, methodology, or delivery of instruction:

- To address the unique needs of the student that result from the student’s disability; and
- To ensure access of the student to the general curriculum, so that the student can meet the educational standards within the jurisdiction of the Dallas ISD.

“Related services” means a wide array of developmental, corrective, and other supportive services that are required to assist the student to benefit from special education. Related services do not include a medical device that is surgically implanted, the optimization of that device’s functioning (mapping), maintenance of that device, or the replacement of that device. Special education and related services are based on peer-reviewed research to the extent practicable. Related services include, but are not limited to assistive technology, audiology services, counseling services, interpreting services, medical services, music therapy, occupational therapy, orientation and mobility services, parent counseling and training, physical therapy, psychological services, recreation, rehabilitation counseling services, school health services, social work services in school, speech-language therapy, and transportation.

“Intervention strategy” means a strategy in a multi-tiered system of supports that is above the level of intervention generally used in that system with all students. The term includes response to intervention and other early intervening strategies.

“Parentally-placed private school students with disabilities” includes students with disabilities enrolled by their parents in private, including religious, schools or facilities.

“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.

“Residential facility” is a facility defined by Texas Education Code § 5.001(8), which includes any person, facility, or entity that provides 24-hour custody or care of a person residing in the facility for detention, treatment, foster care, or any noneducational purpose.

### *Additional Procedures*

Dallas ISD Special Education Personnel will actively look to identify and locate all students with exceptional needs living in the Dallas ISD’s jurisdiction by disseminating information to the community, including childcare centers, private schools, homeschools, residential treatment centers, day treatment centers, hospitals, mental health institutions, and detention and corrections facilities. The information will indicate the availability of early childhood special education services, as well as services for students through age 21. Dallas ISD Special Education Personnel will document and maintain records of all efforts to identify, locate, and evaluate students who may need special education services, including the date of each activity and the result of each activity. Child find activities include, but are not limited to, the following activities:

- Distributing written information to all schools, both public and private, in the area, as well as other agencies that may associate with students with special needs;
  - Publishing information on the internet, including the Dallas ISD’s website and individual campus websites;
  - Offering training and information to private schools and homeschool parents regarding child find obligations and the intervention strategies utilized by the Dallas ISD;
  - Drafting pamphlets about the availability of special education services and how to access them and post them in places where parents of a student with a disability are likely to be present, including doctor’s offices, daycare centers, hospitals, therapy centers, treatment centers, detention, and correctional facilities, etc.; and
  - Otherwise providing outreach to the community through public service announcements, media advisories, or press releases.
- Enrolled Students

Referral of students for possible special education services is part of the campus’ overall regular education referral or screening system. For example, annual screenings will be performed by qualified personnel and may include general health screening (including social/behavioral health), vision screening, hearing screening, speech and

language screening, screening for home language, academic screening to determine significance of academic delays (including dyslexia screening), and screening at the secondary level for students who are at-risk for dropping out or who have dropped out.

In addition, students experiencing difficulties in the regular education setting should have access to research based instructional interventions strategies provided in the general education program. The student's response to those intervention strategies is a critical component of information when a special education referral is considered. Each campus will have a student support team process for tiered interventions and special education referrals, which should include input from teachers, parents, and other individuals with relevant knowledge and should be used to address the student's specific needs including academic, behavioral, emotional, speech, or social difficulties ("intervention strategies").

When a student is referred to the student support team and at least once every subsequent school year that the student is receiving interventions, the parent must be provided a description of the assistance the student may receive, all information collected related to interventions that have been previously used with the student; an estimated duration for which the assistance will be provided; an estimated time frame for when the parent will receive reports on the student's progress; and the Dallas ISD's Aiding Students Who Have Learning Difficulties or Who Need Special Education or Section 504 Services statement.

Implementation of any intervention program or supports by the campus will not serve to delay or deny a referral for a special education evaluation when students are suspected of having a disability and a need for special education services. See [REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES].

### Private School Students

In regard to students in private schools, the Dallas ISD is responsible for identifying and locating students with disabilities attending private schools within the Dallas ISD's boundaries even if the student does not live within the Dallas ISD. The Dallas ISD is not responsible for serving Dallas ISD resident students who attend a private school outside of

Dallas ISD boundaries, but is still responsible for identifying, locating, and, with parent consent, evaluating those students. At the start of each school year, Dallas ISD Special Education Administration will, to the extent possible, contact the parents of students with disabilities parentally-placed in private schools to notify them of the opportunity to receive an evaluation and possible special education services, including proportionate share services, for students who meet eligibility criteria.

Parents of students enrolled in a private school, or a representative or other individual otherwise qualified to make a referral, may contact the Dallas ISD Special Education Administration to initiate a referral for special education services. See [REFERRAL FOR POSSIBLE SPECIAL EDUCATION

SERVICES]. The Dallas ISD Special Education Administration may request that the parent provide documentation related to the student's area of suspected disability, including, but not limited to, classwork, assessments, benchmark testing, health records, and information from the private school regarding the student's progress.

The Dallas ISD Special Education Personnel will maintain a list of all private schools, including home schools, within the Dallas ISD attendance boundaries. Dallas ISD Special Education Personnel will consult in a timely and meaningful way with appropriate representatives of eligible private school students using one or more of the following methods:

- Dallas ISD Special Education Personnel may send written correspondence to all private schools known to the Dallas ISD to be within its boundaries. In addition, written correspondence may be sent to parents of eligible private school students or known to the Dallas ISD to home school their students.
- Dallas ISD Special Education Personnel may schedule individual meetings with the representatives of eligible private school students.
- Dallas ISD Special Education Personnel may schedule a public meeting and invite representatives to provide input.
- Dallas ISD Special Education Personnel may, after notice through the news media and/or invitations to known private schools and private school parents, hold one or more group meetings with representatives of eligible private school students.
- Any other method appropriate for consultation.

Following the timely and meaningful consultation, Dallas ISD Special Education Personnel will obtain a written affirmation signed by the private school official of each of the private schools within the Dallas ISD's attendance boundaries. A

signature on an attendance sheet is not a sufficient form of written affirmation. Dallas ISD Special Education Personnel will keep adequate records of the consultation process, including, but not limited to, a record of all contacts to the private school and/or parent, a record of any response, a record of the agenda of the consultation, a record of the minutes from the consultation, a record of all input provided by the private school official or parent, a record of any disagreement, and a record of the Dallas ISD's response to the disagreement.

Dallas ISD Special Education Personnel will consult with representatives of eligible private school students on these issues as often as is necessary based on the current circumstances of the Dallas ISD, but at least once every year. The consultation will precede the design and development of the Dallas ISD plan to provide participation of private school students with disabilities in services.

#### Overidentification

Dallas ISD Special Education Administration will also ensure compliance with all state policies and procedures to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of students as students with disabilities. The Dallas ISD Special Education Department will monitor and collect data on the race and ethnicity of all students referred to the campus student support team as well as all students evaluated and identified as a student with a disability in need of special education services. The Dallas ISD Special Education Department will also provide training to campuses and special education personnel regarding the needs of students from different linguistic and cultural backgrounds.

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

#### Dallas ISD Multi-Tiered Systems of Support (MTSS)

Dallas ISD's Multi-Tiered Systems of Support (MTSS) encompasses structures and procedures that campuses offer to help each child achieve success. The MTSS on each campus is run through the Student Support Team (SST). The MTSS framework is preventative in nature by providing all students with immediate support and offering campus personnel set procedures and guidelines to assist students in the areas of

academics, language, and engagement.

The MTSS framework is an over-arching system of support that focuses not only on student achievement, but also the resources, structures, and practices that support implementation. In Dallas ISD, the MTSS framework focuses on all students. Additionally, there are six systems of support that include leadership, curriculum, problem solving teams, evidence-based instructional strategies, databased-decision making, and family and community engagement.

The supports/interventions are provided in three tiers:

Tier I is the universal support level and includes any and all of the general education curricula, programs, and procedures. This level is the foundation for all other supports and optimizes the likelihood that all students will achieve school success. Dallas ISD and campus procedures, universal screening, and instructional practices and materials are the first line of preventing failure and provide the best opportunity to help all students access learning.

Tier II includes secondary intervention measures that are put in place when students exhibit problems that could impact long-term success. In Dallas ISD, we understand that the Tier I core program should work well for most students, but we recognize that some students need additional intervention and specialized instruction. The interventions offered at the Tier II level are directly aligned with the areas identified through universal screening and are provided to students in addition to the Tier I core program.

Tier III is the most intensive level of offered to students in terms of time, frequency, duration, and environment. This level includes more frequent and individualized intervention and may be offered in addition to the core and Tier II interventions. The number of students requiring Tier III intervention is typically small and may lead to additional referrals for specialized services outside of the MTSS structure.

#### Dallas ISD Student Support Team (SST)

Dallas ISD has established a campus-based team to systematically and professionally respond to student problems as they are manifested in school, called the Student Support Team (SST). The SST is designed to provide at-risk students with academic and/or behavioral interventions/strategies in the regular setting that reduce and/or eliminate the area(s) of concern that adversely affects the students' ability to learn. The SST will utilize Dallas ISD's Multi-Tiered Systems of Support (MTSS) to provide a structured program of assistance to students experiencing academic, physical, emotional, behavioral, social, medical, familial, or chemical use problems to the extent that their academic or extracurricular performance is being adversely affected.

Each campus shall form and convene an SST that shall:

1. Meet to analyze data and discuss information about the student to identify appropriate interventions at Tier I, II, and III.
2. Refer a student from Tier III Intervention to Specialized Services, which may include counseling and guidance services, health services, psychological and social services, homeless education, youth and family services, drug and alcohol prevention, campus crisis response and support services, or child abuse and domestic violence prevention.
3. Discuss the referral to counseling of students who experience bullying and physical, emotional behavioral, social, medical, familial, or chemical use problems to the extent that their academic or extracurricular performance is adversely affected.
4. Respond to the request for special education or Section 504 services or request for evaluation made by a parent, the principal, or a teacher.
5. Develop an intervention plan to address a student who does not qualify or is being exited from a specialized service, special education or Section 504.
6. Maintain a record of services that includes original copies of referral forms, data forms, team recommendations and intervention plans, and an indication of resolution.

The SST is a decision-making team that is convened to discuss at-risk students with academic and/or behavioral interventions in the general education setting. The SST should be led by a campus administrator (principal or assistant principal) and consist of the campus instructional coach(es) and classroom teacher(s), and based on the area of concern, the campus counselor (for social/emotional and behavioral needs), nurse (for health and physical needs), or school psychologist or social worker (for psychological, social, and behavioral needs). When conducting SST Meetings, the team should work together to do the following:

Conduct a root cause analysis

Review existing data that includes, but not limited to: existing interventions, universal screening reports, grades, attendance, discipline, anecdotal information from teachers, health, and information from parents.

Discuss the development of a more intensive intervention plan or consider internal and external specialized services

Set date to review progress.

However, implementation of any intervention program or supports by the campus will not serve to delay or deny a referral for a special education evaluation when students are suspected of having a disability and a need for special education services. See [REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES].


When a student is referred to the Student Support Team, and at least once every subsequent school year that the student is receiving interventions, the parent must be provided a description of the assistance the student may receive, all information collected related to interventions that have been previously used with the student; an estimated duration for which the assistance will be provided; an estimated time frame for when the parent will receive reports on the student's progress; and Dallas ISD's Aiding Students Who Have Learning Difficulties or Who Need Special Education or Section 504 Services statement. In addition, the parent, upon request, will be provided with the TEA's Updates in Special Education, which describes the process for initiating a referral for special education services and includes the contact information and link on the Dallas ISD's website for the child find process. This information is also included in the Student Handbook and will be provided in the parent's native language, if at all possible.

If a student continues to demonstrate a lack of educational progress in the general education setting after the implementation of the early intervention services, and a disability and need for special education services is suspected, the campus Student Support Team will initiate a referral for a special education evaluation. However, when an evaluation is requested, the campus Student Support Team will commence the evaluation process while continuing to provide appropriate intervention services. Again, however, implementation of any intervention program or supports by the campus will not serve to delay or deny a referral for a special education evaluation when the student is suspected of having a disability and a need for special education services. See [REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES].

School personnel, the parent or legal guardian of the student, or another person involved in the education or care of the student may initiate a request for a full and individual evaluation through the SST process.

Students who have previously received special education services and whose parents have subsequently revoked consent for special education and related services should not be treated any differently in the child find process than any other student, including a student who was determined eligible and whose parent refused to provide initial consent for services.

Dallas ISD may not require parents to obtain prescriptions for a student as a condition of attending school, receiving an evaluation or receiving special education services. Teachers and school personnel may consult with the parent, or student's physician (after obtaining consent from the parent), in order to share information regarding a student's academic, behavioral, emotional, and physical



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functioning in the school setting or to discuss eligibility requirements for special education or related services

## Evidence of Implementation

- Materials Related to Child Find Published and Distributed by the Dallas ISD
  - Documentation of Meetings of Student Support Team
- Documentation of Interventions Used and Response
- Documentation for the state in TSDS, PEIMS, and SPP
  - Notice to Parents of Interventions
- Aiding Students Who Have Learning Difficulties or Who Need Special Education or Section 504 Services Statement
- Referral for Special Education
- Consent for FIE
- FIE
- ARD/IEP
- Dallas ISD Data Regarding Race and Ethnicity of Students Referred and Identified
- Private School Contact Database
- Database of Private School Students Evaluated and Identified as Students with Disabilities and Services Currently Received, if Any
- Child Find Documentation Provided to Private Schools or Parents
- A Record of all Private School Contacts and Response
- Consultation Agenda and Minutes
- Record of Disagreement and Dallas ISD Response
- Written Affirmation Statement
- Child Find Documentation Showing Contacts with Residential Facilities in Dallas ISD
- Database of Incarcerated Youth
- Child Find Documentation Showing Contacts with Correctional Facilities in Dallas ISD

## Resources

[The Texas Legal Framework for the Child-Centered Special Education Process: Child Find Duty Framework - Region 18](#)

[The Texas Legal Framework for the Child-Centered Special Education Process - Children in Private Schools - Region 18](#)

[The Texas Legal Framework for the Child-Centered Special Education Process: Children Who Are Incarcerated - Region 18](#)

[Child Find - Texas Education Agency](#)

[Aiding Students Who Have Learning Difficulties or Who Need Special Education or Section 504 Services - Handbook Statement \(TEA\)](#)

[Overview of Special Education for Parents – Texas Education Agency](#)

[Response to Intervention \(TEA\)](#)

[OSERS Letter to Morath with Monitoring Visit Letter \(Jan. 11, 2018\)](#)

[Memorandum on Response to Intervention and IDEA Eligibility – U.S. Department of Education, Office of Special Education and Rehabilitative Services](#)

[Child Find - SPEDTEX](#)

[Guidance on Parentally Placed Private School Children with Disabilities - Texas Education Agency](#)

[Special Education in Nonpublic Schools - Texas Education Agency](#)

[FAQ: Parentally-Placed School Children with Disabilities - TEA](#)

[ESSA Private School Equitable Services - Texas Education Agency](#)



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[Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools \(Apr. 2011\) - U.S. Department of Education](#)

[OSERS Letter to Sarzynski \(July 6, 2015\) - U.S. Department of Education](#)

[OSERS Letter to Apostle \(Aug. 8, 2012\) - U.S. Department of Education](#) [OSERS Letter to Corwell \(Feb. 4, 2013\) - U.S. Department of Education](#)


[OSERS Letter to Luger and Weinberg \(Dec. 6, 2011\) - U.S. Department of Education](#)

[OSERS Letter to Eig \(Jan. 28, 2009\) - U.S. Department of Education](#)

[Dallas ISD Multi-Tiered Systems of Support \(MTSS\) Dallas](#)

[ISD Response to Intervention Process Flowchart Dallas](#)

[ISD Child Find](#)



Citations

Board Policy EHBA; Board Policy EHBAC; 20 USC 1401, 1412, 1412(a)(3)(A); 42 USC 11434a; 34 CFR 77.1, 300.8, 300.13, 300.19, 300.34(a), 300.36, 300.37, 300.39(a)(1),(b)(3), 300.102(a)(2), 300.111(a)(1)(i),(c), 300.130, 300.131, 300.132(a), (c), 300.133(b), 300.134, 300.135, 300.136, 300.137(a)-(c), 300.138, 300.139, 300.142, 300.148, 300.173 300.324(d); Texas Education Code 26.004(a), 26.0081, 29.004; 19 TAC 89.1011, 89.1096.



# CHILD FIND

## ADULT STUDENT AND TRANSFER OF RIGHTS

August 2024

## ADULT STUDENT AND TRANSFER OF RIGHTS

### What is Required

Except for a student who has been determined to be incompetent under state law, a student with a disability who is 18 years of age or older has the same rights to educational decision-making as a student without a disability. Therefore, when a student with a disability turns 18 years old, all rights under the IDEA transfer from the parent to the adult student, except that Campus Special Education Personnel must provide any notice required under the IDEA to both the adult student and the parent.


In addition, all rights under the Family Education Rights and Privacy Act (FERPA) transfer from the parent to the adult student except that consent is not required to disclose information to the parent if the adult student is a dependent student, or when another exception applies. See [WHEN CONSENT IS NOT REQUIRED TO DISCLOSE INFORMATION].

Campus Special Education Personnel must provide both the student and the student's parent written notification of the transfer of rights under the IDEA, as well as information and resources regarding guardianship and alternatives to guardianship, at least one year before the student's 18<sup>th</sup> birthday. The student's IEP must include a statement that Campus Special Education Personnel provided the required notice, information, and resources within the required timeframe.

This written transfer of rights notice must inform the student and the parents that:

- The student with a disability who is age 18 or older or whose disabilities of minority have been removed will have the same right to make educational decisions as a student without a disability;
- All rights granted to the parent under the IDEA will transfer to the student unless the parent or other individual has been granted guardianship, except that Campus Special Education Personnel must provide any notice required under IDEA to the adult student and the parent; and
- All rights granted to the parent under the IDEA will transfer to an 18-year-old who is incarcerated in an adult or juvenile state or local correctional institution unless the parent or other individual has been granted guardianship.

Campus Special Education Personnel must also provide information and resources regarding guardianship and alternatives to guardianship—including supportive



decision-making—and other supports and services that may enable the student to live independently at least one year before the student's

18<sup>th</sup> birthday. Campus Special Education Personnel must also provide this information upon request by the student or student's parent at any time.

Additionally, upon the student turning age 18, Campus Special Education Personnel must also provide the student and the student's parents written notice related to the transfer of rights, information and resources regarding guardianship and alternatives to guardianship, and contact information about where to seek additional information.

Campus Special Education Personnel must continue to provide any notice required by the IDEA to both the adult student and the parent after the transfer of rights. However, providing the parent Prior Written Notice of an ARD Committee meeting does not constitute an invitation or create a right for the parent to attend the meeting. Prior Written Notice also does not create a right for the parent to consent to or participate in the proposal or refusal reflected in the Prior Written Notice. However, the adult student or Campus Special Education Personnel may invite the parent, as an individual with knowledge or special expertise regarding the adult student, to be a member of the ARD Committee. In addition, an adult student who holds rights under the IDEA is not prohibited from executing a supported decision-making agreement or a valid power of attorney after the transfer of parental rights.

#### Definitions

“Guardianship” is a legal process that removes rights and privileges from a person aged 18 and older who is considered incapacitated under state law. The process involves the court system and an attorney. Unless parents have gained guardianship of their student with a disability or made other legal arrangements, all rights including signing and agreeing to the IEP will be transferred to the student upon turning 18.

“Supportive decision-making agreement” is an alternative to guardianship that involves supporting and accommodating an adult with a disability to enable the adult to make life decisions. In a supported decision-making agreement, the 18-year-old student chooses someone (called a “supporter”) they trust to help them get information they need to make an informed decision, consider their options, understand the risks, and communicate their decisions to others. The law does not place any restrictions on who may become a supporter. Typically, the supporter may be a family member, relative or friend. But the adult with a disability may only enter a supported decision-making agreement voluntarily, without being influenced by others. The student and the supporter fill out and sign a legally valid supported decision-making agreement form and have it witnessed or notarized, as required by law.

“Power of attorney” is a legal document that gives someone else the legal power to act on your behalf. The power of attorney must be signed before a notary public, and it must be executed by someone 18 years of age or older who is of sound mind and who knows what he/she is doing



when they sign the document.

### Additional Procedures

Campus Special Education Personnel will keep track of the birthdays for those students on their caseload turning 17 and 18 years old during that school year.


Where possible, Campus Special Education Personnel will provide written notice regarding the transfer of rights and resources regarding guardianship and alternatives to guardianship during the student's ARD Committee meeting closest in time before the student's 17<sup>th</sup> birthday. If Campus Special Education Personnel are unable to provide this notice for some reason during the ARD Committee meeting closest in time before the student's 17<sup>th</sup> birthday, it should be provided at another time no later than the student's 17<sup>th</sup> birthday.

Prior to the student's 18<sup>th</sup> birthday Campus Special Education Personnel will discuss guardianship options or alternatives to guardianship (including supported decision-making agreements and power of attorney documents) with the parent or guardian to determine whether the parent or guardian plans to seek appointment as the student's guardian or obtain other legal rights following the student's 18<sup>th</sup> birthday.


Campus Special Education Personnel will document all efforts to explain the transfer of rights to students and to provide the requisite notices and safeguards in a timely manner. This will be documented in the IEP and should be included in the minutes/deliberations of the ARD Committee meeting.

Unless the parent or guardian has been appointed legal guardianship of the student, Campus Special Education Personnel will consult with the student to determine whether the student would like to include the parent or guardian, or any other individual with information relevant to the student, to any ARD Committee meeting following the transfer of rights.

If an adult student provides the Campus Special Education Personnel with a supported decision-making agreement, a power of attorney, or other legal document which appoints another individual, including the parent, to make educational decisions on behalf of the adult student, Campus Special Education Personnel will consult with the Dallas ISD's Special Education Director to determine the legality and validity of the document before allowing the appointed person to make educational decisions for the adult student.



The Dallas ISD will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System



(PEIMS), and State Performance Plan (SPP). Dallas ISD staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

### Evidence of Implementation

- ARD/IEP
- Notice of Transfer of Rights Provided Before 17<sup>th</sup> Birthday
- Notice of Transfer of Rights Provided on 18<sup>th</sup> Birthday
- Documentation of Student Birthdays on Caseload
- List of Resources Related to Guardianship and Alternatives to Guardianship
- Prior Written Notice
- Legal Documents Related to Guardianship or Powers of Attorney
- Supported Decision-Making Agreement
- Documentation for the state in TSDS, PEIMS, and SPP

### Resources

[The Texas Legal Framework for the Child-Centered Special Education Process: Adult Student and Transfer of Rights - Region 18](#)


[Notice of Procedural Safeguards - Texas Education Agency](#)

[Parent's Guide to the ARD Process - Texas Education Agency](#)

[Notice of Transfer of Rights - Texas Education Agency](#)

[The Texas Transition & Employment Guide to a Successful Life After High School for Students with Disabilities - Texas Education Agency](#)

[OSERS Letter to Bieker \(July 20, 2000\) - U.S. Department of Education](#)



## Citations

Board Policy EHBAE; 34 C.F.R. 99.31(a), 99.5(a), 300.520, 300.625; Texas Education Code 29.017;

Texas Estates Code 1357.002; Texas Family Code Chapter 31; 19 TAC

89.1049



# CHILD FIND

AGES 0-5

February 2025



## AGES 0-5

### What is Required

The Dallas ISD must provide FAPE to all eligible students with disabilities ages 3 through 21.  
See [CHILD FIND DUTY]

Dallas ISD 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. See [CHILD FIND DUTY]


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. See [VISUAL IMPAIRMENT] and [DEAF OR HARD OF HEARING] and [DEAF-BLINDNESS]

### Noncategorical Early Childhood / Developmental Delay

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 until the beginning of the 2025-2026 school year. See [NONCATEGORICAL EARLY CHILDHOOD]. “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.

Dallas ISDs may, but are not required to, identify eligible students under “Developmental Delay” beginning with the 2024-2025 school year. Developmental Delay applies to a student between the ages of 3 through 9 years of age who is evaluated by a multidisciplinary team for at least one disability category under the IDEA and whose evaluation data indicates a need for special education and related services and shows evidence of, but does not clearly confirm, the presence of the suspected disability(ies) due to the child’s young age. The ARD Committee may determine that data supports identification of developmental delay in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development. See [DISABILITIES].

Beginning with the 2025-2026 school year, students may no longer be identified under the Noncategorical Early Childhood category. Any eligible student who begins the 2025- 2026 school year with a Noncategorical Early Childhood eligibility can maintain this eligibility, however, until




the required re-evaluation before the age of 6. Individualized Family Services Plan (“IFSP”) for VI and DHH Students


An IFSP should be held in place of an ARD Committee meeting for students from birth through two years of age with a visual impairment and/or who is deaf or hard of hearing. See [VISUAL IMPAIRMENT and DEAF OR HARD OF HEARING]. The IFSP team must include the student’s parent or guardian and other Campus and Dallas ISD 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 students ages 0 through 2. The appropriate instructional setting for students ages 0 through 2 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


Dallas ISD 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 Dallas ISD 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 Dallas ISD 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 Dallas ISD 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. Dallas ISD 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, Dallas ISD 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”)

Dallas ISD and Campus Special Education Personnel must ensure that an IEP is developed by the third birthday of each eligible student with a disability so that services are available on the student’s third birthday. The ARD Committee meeting and the IEP developed at the ARD Committee 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 Dallas ISD’s kindergarten program, whichever comes first. If the parent of a student residing within the Dallas ISD chooses dual enrollment, Dallas ISD 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. “Developmental delay” means a condition where a student between the ages of 3 and 9 is evaluated by a multidisciplinary team for at least one disability category under the IDEA and the evaluation data indicates a need for special education and related services and shows evidence of, but does not clearly confirm, the presence of the suspected disability or



disabilities due to the child's young age.

### Additional Procedures


At the beginning of each school year, the Dallas ISD must have in effect an IEP for students identified with disabilities, ages three through five. The Dallas ISD utilizes its child find process to locate, identify and evaluate students in the community and Dallas ISD who are at least three years of age, but younger than 6 years of age. See [CHILD FIND DUTY].

Dallas ISD Special Education Personnel will actively look to identify and locate all students with exceptional needs living in the Dallas ISD's jurisdiction by disseminating information to the community, including childcare centers, private schools, homeschools, residential treatment centers, day treatment centers, hospitals, mental health institutions, and detention and corrections facilities. The information will indicate the availability of early childhood special education services, as well as services for students through age 21. Dallas ISD Special Education Personnel will document and maintain records of all efforts to identify, locate, and evaluate students who may need special education services, including the date of each activity and the result of each activity. Child find activities include, but are not limited to, the following activities:

- Distributing written information to all schools, both public and private, in the area, as well as other agencies that may associate with students with special needs;
- Publishing information on the internet, including the Dallas ISD's website and individual campus websites;
- Offering training and information to private schools and homeschool parents regarding child find obligations and the intervention strategies utilized by the Dallas ISD;
- Drafting pamphlets about the availability of special education services and how to access them and post them in places where parents of a student with a disability are likely to be present, including doctor's offices, daycare centers, hospitals, therapy centers, treatment centers, detention, and correctional facilities, etc.; and
- Otherwise providing outreach to the community through public service announcements, media advisories, or press releases.

### Noncategorical Early Childhood / Developmental Disability

Until the beginning of the 2025-2026 school year, following a referral for possible special education services for a student ages 3 through 5 or upon notice from HHSC, Dallas ISD 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. See [NONCATEGORICAL EARLY CHILDHOOD]. A student may be eligible for special education services based on the Noncategorical Early Childhood 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 until the beginning of the 2025-2026 school year.

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 2024-2025 school year, a student may also be eligible for special education services based on the Developmental Delay disability category if the student is (1) between the ages of 3 and 9, (2) evaluated by a multidisciplinary team for at least one of the IDEA disability categories, and (3) whose evaluation data indicates a need for special education and related services and shows evidence of, but does not clearly confirm, the presence of the suspected disability(ies) due to the child's young age.

A student will only be eligible under this category if the ARD Committee determines that data indicates the presence of a developmental delay in at least one of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development. The ARD Committee must also review multiple sources of data that support the presence of a developmental delay, including but not limited to performance on appropriate norm-references measures and/or multiple direct and indirect sources, such as play-based assessments, parent input and interviews, observations, work samples, etc. that demonstrate a pattern of atypical development that is significantly impacting the student's performance and progress in the school setting.

The ARD Committee shall not identify any student as eligible for special education under the Noncategorical Early Childhood classification beginning the 2025-2026 school year. The ARD Committee may consider whether the student meets criteria for the Developmental Delay criteria beginning the 2024-2025 school year. If a student is already identified as Noncategorical Early Childhood at the beginning of the 2025-2026 school year, the ARD committee shall remove the Student's Noncategorical Early Childhood eligibility following completion of the required re- evaluation before the age of 6 and determine if the Student is eligible under another category, such as Developmental Delay.



## 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 Dallas ISD will make special education services available to a student from birth to age 2 who has a visual impairment or who is deaf of 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, Dallas ISD Special Education Administration will communicate on a regular basis at least monthly with the HHSC regarding students that will soon reach age 3. During the first meeting of a new school year, the Dallas ISD Special Education Administration will share the adopted Dallas ISD calendar with the ECI service provider to avoid scheduling meetings during planned school closures. The Dallas ISD Special Education representative will work with the ECI Service provider to ensure coverage is available for meetings that need to occur during the summer by providing a secondary contact for meetings.

At each monthly meeting, the ECI service provider and the Dallas ISD Special Education representative will schedule transition planning conferences that should occur within the next month. The ECI service provider will contact the parent(s) of the student served by ECI to schedule the meeting. A planning conference can occur when the student is 27 months of age, but no later than 33 months of age. The ECI service provider and the Dallas ISD Special Education representative will work with the parent(s) to find a date the parent is available (either in-person or virtually). However, if the parent(s) does not attend a Transition Planning Conference but does desire their student to transition to the Dallas ISD for services, the ECI agency may provide referral information data to the Dallas ISD Special Education Administration. The Dallas ISD Special Education Administration will then contact the parent in order to initiate the referral.

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


- The Dallas ISD 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 Dallas ISD.

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- 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, Dallas ISD Special Education Personnel will invite the student's service coordinator of Part C services or other appropriate representatives to the initial ARD Committee 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 ages 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 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 Dallas ISD's Special Education Department on behalf of a student who is suspected of having a disability and who needs special education services.

If the Dallas ISD 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 Dallas ISD 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 Dallas ISD will complete the referral and evaluation process in a timely manner by following the required initial evaluation timelines. *See* [EVALUATION PROCEDURES]. Dallas ISD 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 Dallas ISD and a private school beginning on the student's third birthday. The Dallas ISD 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 Dallas ISD 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, Dallas ISD 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 Dallas ISD's kindergarten program, whichever comes first.

The Dallas ISD will respond to any TEA complaint by the parent regarding the implementation of the student's IEP in dual enrollment, but the Dallas ISD 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 Dallas ISD 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 Dallas ISD school. *See* [CHILDREN IN PRIVATE SCHOOLS].

The Dallas ISD will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System




(PEIMS), and State Performance Plan (SPP).

Dallas ISD 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



## Resources

[The Texas Legal Framework for the Child-Centered Special Education Process: Ages 0-5 - Region 18](#)

[Early Childhood Intervention Services - Texas Health and Human Services](#)

[Guidance on Parentally Placed Private School Children with Disabilities - Texas Education Agency](#)

[Early Childhood Special Education \(ECSE\) - Texas Education Agency](#)

[Key Elements of Early Transition - Texas Education Agency](#)

[Early Transition Memorandum of Understanding - Texas Education Agency](#)

[Transition from Part C to Preschool - Early Childhood Technical Assistance Center](#)

[Questions and Answers on Response to Intervention and Early Intervening Services \(January 2007\) - U.S. Department of Education](#)

[A Parent's Guide to Early Childhood Intervention and Early Childhood Special Education - Texas Education Agency](#)

[Student Attendance Accounting Handbook – Texas Education Agency](#)



## CITATIONS

Board Policy EHB; Board Policy EHBAA; Board Policy EHBAC; 20 U.S.C. 1436; 34 CFR 300.101, 300.124, 300.24, 300.344, 303.126, 303.13, 303.20, 303.209, 303.26, 303.321, 303.344, 303.420; Texas Education Code 29.009; 19 TAC 89.1035, 89.1050(b), 89.1096, 89.63(c)–(d); Texas Government Code 29.003, 392.002



# CHILD FIND

## CHILDREN IN PRIVATE SCHOOLS

August 2024



## CHILDREN IN PRIVATE SCHOOLS

### What is Required

#### Child Find

The Dallas ISD must locate, identify, and evaluate all students with disabilities who are parentally placed in private schools—including religious, elementary, and secondary schools—located in its jurisdiction. To do so, the Dallas ISD Special Education Administration must timely and meaningfully consult with representatives of private schools located within the Dallas ISD and conduct a thorough and complete child find process. The Dallas ISD must conduct the child find process for students parentally placed in private schools in a manner comparable to that of students with disabilities enrolled in Dallas ISD campuses. *See* [CHILD FIND DUTY]. The Dallas ISD Special Education Administration must maintain records and provide information to TEA indicating the number of students parentally placed in private school students within the boundaries of the Dallas ISD that have been evaluated, determined to be students with disabilities, and served. All child find efforts must comply with requirements related to proportionate share funding for students parentally placed in private schools. *See* [PROPORTIONATE SHARE FUNDING FOR CHILDREN PARENTALLY PLACED IN PRIVATE SCHOOLS].

If the Dallas ISD is the student's Dallas ISD of residence, rather than the Dallas ISD in which the private school is located, the Dallas ISD cannot refuse to conduct the evaluation and determine the student's eligibility for FAPE just because the student attends a private school in another Dallas ISD.

A home school in Texas may be considered a private school. In order to be considered a private school, a home school must provide elementary or 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, but is not required to be a nonprofit entity.


#### Referral to Dallas ISD

When a student with a disability who has been placed directly by the parent in a private school is referred to the Dallas ISD, the Dallas ISD or Campus Special Education Assessment Personnel will evaluate the student in accordance with the evaluation procedures and hold an ARD Committee meeting to consider the evaluation and determine whether the Dallas ISD can offer the student FAPE. *See* [EVALUATION PROCEDURES].

However, the Dallas ISD is not responsible for providing FAPE until such time as the student's parent chooses to enroll the student in the Dallas ISD full time. Specifically, no student with a



disability parentally placed in a private school has an individual right to



receive in the private school some or all of the special education and related services that the student would receive if enrolled in a Dallas ISD school.

A student with a disability parentally placed in private school may receive some special education and related services if the Dallas ISD designates the student to receive service under a proportionate share services plan. *See Proportionate Share Services below.*

### Developing the Proportionate Share Services Plan


After consultation, the Dallas ISD Special Education Administration is the final decision-maker regarding the services to be provided to a parentally placed private school student with a disability. If the Dallas ISD or Campus Special Education Administration decides that a parentally placed private school student is eligible to receive special education and related services, Dallas ISD or Campus Special Education Personnel will convene a meeting to develop, review, and revise an Individual Services Plan (“ISP”) for the student based on services that the Dallas ISD has agreed to provide the student. A representative of the private school will be in attendance at the meeting or participate through another method, such as through a telephone call. The Dallas ISD is not required to provide the same amount of services to the parentally placed private school student as it would to students with disabilities enrolled in a Dallas ISD campus.

### Implementation of the Proportionate Share Services Plan

Should the Dallas ISD decide to provide services through an ISP, such services may be provided at the private school, including religious schools, either by Dallas ISD Special Education Personnel or through a contract with an individual, association, agency, organization, or other entity. Such services will be implemented in accordance with proportionate share funding and equipment rules. *See [PROPORTIONATE SHARE FUNDING FOR CHILDREN PARENTALLY PLACED IN PRIVATE SCHOOLS] and [ADMINISTRATION OF*

*EQUIPMENT].* The Dallas ISD may use special education funds to make Campus Special Education Personnel or Dallas ISD Special Education Personnel available to the extent necessary to provide services to a parentally placed private school student so long as those services are not normally provided by the private school. The Dallas ISD may also use Part B funding to pay for services provided by a private school employee if the services are performed outside of the employee’s regular hours of duty and under public supervision and control. *See [USE OF IDEA PART B FORMULA AMOUNTS IN GENERAL].*

Transportation Services Where transportation is necessary for the parentally-placed private school student to benefit from or participate in the services



offered by the Dallas ISD, the Dallas ISD will provide transportation (a) from the student’s school or the student’s home to a site other than the private school; and (b) from the service site to the private school, or to the student’s home, depending on the timing of the services. The Dallas ISD is not required to provide transportation from the private school to the student’s home.

#### Right of Private School Official to Submit a Complaint

A private school official has the right to submit a TEA complaint that the Dallas ISD did not engage in consultation that was meaningful and timely or did not give due considerations to the views of the private school official. The complaining private school official must provide the basis of the complaint to TEA and the Dallas ISD Special Education Administration will provide appropriate documentation in response. If the private school official is dissatisfied with the response, the official may submit a complaint to the United States Secretary of Education.

#### Dual Enrollment

The parent of an eligible student ages 3 or 4 may dually enroll their student in both public and private school beginning on the student’s third birthday until either:

(1) the end of the school year in which the student turns 5 or when the student is eligible to attend the Dallas ISD’s kindergarten program. For more information on Dual Enrollment, *see* [AGES 0-5].


#### Private School Placement When FAPE Is An Issue

If a parent elects to place a student with a disability in a private school or facility due to disagreements about FAPE, the parent has additional protections set out in the *Notice of Procedural Safeguards*.

#### Definitions

“Parentally placed private school students with disabilities” includes students with disabilities enrolled by their parents in private, including religious, schools or facilities. “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

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- sequence of courses, and formal review and documentation of students' progress.

“Individual Services Plan” or “ISP” means a written statement that describes the special education and related services the Dallas ISD will provide to a student with a disability parentally placed in a private school who has been designated to receive services, including the location of the services and any transportation necessary.

### Additional Procedures

The Dallas ISD is responsible for identifying and locating students with disabilities attending private schools within the Dallas ISD's boundaries even if the student does not live within the Dallas ISD. The Dallas ISD is not responsible for serving Dallas ISD resident students who attend a private school outside of Dallas ISD boundaries, but is still responsible for identifying, locating, and, with parent consent, evaluating those students. Preschool students ages 3 to 4 are still covered under dual enrollment, served under an IEP, and are not considered private school students unless the parent has rejected dual enrollment. In that case, the student may have a service plan instead of an IEP.

At the start of each school year, Dallas ISD Special Education Administration will, to the extent possible, contact the parents of students with disabilities parentally placed in private schools to notify them of the opportunity to receive an evaluation and possible special education services, including proportionate share services, for students who meet eligibility criteria.

Parents of students enrolled in a private school, or a representative or other individual otherwise qualified to make a referral, may contact the Dallas ISD Special Education Administration to initiate a referral for special education services. See [REFERRAL FOR POSSIBLE SPECIAL EDUCATION


SERVICES]. The Dallas ISD Special Education Administration may request that the parent provide documentation related to the student's area of suspected disability, including, but not limited to, classwork, assessments, benchmark testing, health records, and information from the private school regarding the student's progress.

### Proportionate Share Services

The Dallas ISD will use a portion of the federal money it receives each year under the IDEA for participation in the Dallas ISD's special education and related services by eligible private school students. If the parent chooses to voluntarily enroll the student in a private school, the student has no individual right or guarantee to special education and related services provided by the Dallas ISD. Instead, the student will be considered for participation in the Dallas ISD's special education



services along with all eligible private school students.




The Dallas ISD will develop a Dallas ISD-wide plan for use of the proportionate share amount that identifies the type of service, or range of services, to be provided. If an eligible private school student is designated to participate in the Dallas ISD's special education services in a specific school year, Special Education Personnel will hold a meeting to develop, review, and revise an ISP for the student. Representatives of both the private school and Dallas ISD Special Education Personnel, as well as the parent or representative of the parent, may be present at this meeting, and the parent should be given a meaningful and timely opportunity to express their views before developing the plan. The ISP will include the specific special education and/or related services that the Dallas ISD will offer to the student, including the location of the service and whether transportation will be provided. The ISP may provide for direct services or indirect services such as equipment, instructional materials, or consultation and training. The content of the ISP will vary from student to student and may contain one or more of the components included in an IEP.


The ISP will be implemented as soon as possible after the services plan meeting and will be available to any Dallas ISD staff and/or private school staff who implement any portion of it. The ISP will be reviewed at least annually by the services plan team. An eligible private school student with an ISP in one school year has no right to a services plan in a subsequent school year.

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

### Evidence of Implementation

- Private School Contact Database
  - Database of Private School Students Evaluated and Identified as Students with Disabilities and Services Currently Received, if Any
- Child Find Documentation Provided to Private Schools or Parents
- Proportionate Share Amount Calculation
- Dallas ISD-wide Plan for Proportionate Share Amount
- A Record of all Private School Contacts and Response
- Consultation Agenda and Minutes

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- Record of Disagreement and Dallas ISD Response
  - Written Affirmation Statement
  - Consent for FIE
  - FIE
  - ISP or ARD/IEP for Private School Student
  - Documentation for the state in TSDS, PEIMS, and SPP



## Resources

[The Texas Legal Framework for the Child-Centered Special Education Process: Children in Private Schools - Region 18](#)

[Guidance on Parentally Placed Private School Children with Disabilities - Texas Education Agency](#)

[Special Education in Nonpublic Schools - Texas Education Agency](#)

[FAQ: Parentally Placed School Children with Disabilities - TEA](#)

[ESSA Private School Equitable Services - Texas Education Agency](#)

[Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools \(Apr. 2011\) - U.S. Department of Education](#)

[OSERS Letter to Sarzynski \(July 6, 2015\) - U.S. Department of Education](#)

[OSERS Letter to Apostle \(Aug. 8, 2012\) - U.S. Department of Education](#)

[OSERS Letter to Corwell \(Feb. 4, 2013\) - U.S. Department of Education](#)

[OSERS Letter to Luger and Weinberg \(Dec. 6, 2011\) - U.S. Department of Education](#)

[OSERS Letter to Eig \(Jan. 28, 2009\) - U.S. Department of Education](#)



CITATIONS

Board Policy EHBAA; 20 USC 1412; 34 CFR 77.1, 300.13, 300.36, 300.37, 300.130, 300.131(a), 300.132(a),(c), 300.133(b), 300.134, 300.135, 300.136, 300.137(a)-(c), 300.138, 300.139, 300.142, 300.148; 19 TAC 89.1096



# CHILD FIND

## CHILDREN WHO ARE INCARCERATED

August 2024



## CHILDREN WHO ARE INCARCERATED

### What is Required

The obligation to make FAPE available to all students with disabilities, including the child find obligations, does not apply to individuals ages 18 through 21 who, in the last educational placement prior to their incarceration in an adult correctional facility were not identified as having a disability and who did not have an IEP. This exception to FAPE does not apply to individuals with disabilities ages 18 through 21 who (a) had been identified as a student with a disability and had received services in accordance with an IEP, but who left school prior to his/her incarceration or (b) did not have an IEP in their last educational setting, but who had been identified as a student with a disability under the IDEA.

#### Students in Adult Prisons

For students with disabilities who are convicted as adults under state law and incarcerated in adult prisons the requirements related to state and Dallas ISD wide assessments do not apply; and the requirements related to transition services do not apply with respect to students whose age eligibility under the IDEA will end before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release.

If the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated, the student's ARD Committee may modify the student's IEP or placement notwithstanding LRE and IEP content requirements of the IDEA.

#### Transfer of Parental Rights

All rights provided to parents under the IDEA transfer to adult students at age 18 who are incarcerated in an adult or juvenile federal, state, or local correctional institution, unless the parent or other individual has been granted guardianship under Texas law. See [TRANSITION].

#### Definitions

"Correctional facility" is a place designated by law for the confinement of a person arrested for, charged with, or convicted of a criminal offense.

"Bona fide security or compelling penological interest" includes a state interest relating to the treatment of the student convicted of the crime(s).



## Additional Procedures

The ARD Committee will determine the special education services to be provided to incarcerated special education students to ensure that the students continue to receive FAPE in a special education setting. The ARD Committee will ensure that a student with a disability in a correctional facility is not placed in classes that include only other students with disabilities, if that is not the student's LRE.

### Provision of FAPE to Students Ages 18-21

Dallas ISD Special Education Administration will maintain a database of all students between the ages of 18 and 21 that have been identified as a student with a disability that are currently incarcerated. Dallas ISD Special Education Personnel will ensure that FAPE is offered to any student that has received special education services in accordance with an IEP from the Dallas ISD and left school prior to incarceration. Dallas ISD Special Education Personnel will also ensure that FAPE is offered to any student that did not have an IEP while last enrolled in a Dallas ISD campus but who had been identified by the Dallas ISD as a student with a disability.

Dallas ISD Special Education Personnel will document all services provided to students with disabilities in correctional facilities.

### Students in Adult Prisons

The ARD Committee of an incarcerated youth with a disability who is in an adult prison will hold an ARD Committee meeting to develop an appropriate IEP at the beginning of the period of incarceration. The ARD Committee may modify the student's IEP or placement notwithstanding the LRE and IEP content requirements under the IDEA if a bona fide security or compelling penological interest cannot be accommodated. For example, the Dallas ISD will not violate the IDEA if it cannot provide special education services to an incarcerated student with a disability if it is prevented from accessing the student due to safety concerns.

The ARD Committee may incorporate the services necessary to obtain a GED into the student's IEP where a bona fide security or compelling penological interest prevents the student from receiving a high school diploma.

### Transfer of Parental Rights


Dallas ISD Special Education Personnel will provide the parent and the incarcerated student with a disability the notice of the transfer of parental rights not later than one year before the student's 18th birthday. See [TRANSITION]. The Dallas ISD will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). Dallas ISD staff will provide training, with follow up, to ensure the documentation required is in place and



compliant.

### Evidence of Procedure

- Database of Incarcerated Youth
- Child Find Documentation Showing Contacts with Correctional Facilities in Dallas ISD
- ARD/IEP
- FIE
- Communications Between the Dallas ISD and the Correctional Facility
- Transfer of Rights
- Documentation for the state in TSDS, PEIMS, and SPP



## Resources

[The Texas Legal Framework for the Child-Centered Special Education Process: Children Who Are Incarcerated - Region 18](#)


[OSERS Letter to Yudien \(Aug. 19, 2003\) - U.S. Department of Education](#)

[OSERS Letter to Mahaley \(Mar. 2, 2011\) - U.S. Department of Education](#)

[Supporting Youth with Disabilities in Juvenile Corrections - U.S. Department of Education](#)

[Notice of Procedural Safeguards - Texas Education Agency](#)

[Parent's Guide to the ARD Process - Texas Educational Agency](#)



Citations

Board Policy EHBAC; 20 USC 1412; 34 CFR 300.8, 300.102(a)(2), 300.324(d)



# CHILD FIND

CHILDREN WHO TRANSFER OR RECENTLY REGISTERED

February 2025



## CHILDREN WHO TRANSFER OR RECENTLY REGISTERED

### What is Required

Dallas ISD and Campus Special Education Personnel must ensure that students with disabilities transferring to and from another LEA (public school Dallas ISD, public charter school, or other public school system) located within Texas or outside of Texas continue to receive FAPE at all times.

#### Transmittal of Records


When a student with a disability transfers into or registers in the Dallas ISD from another LEA, Campus Personnel and/or Campus Special Education Personnel must take reasonable steps to promptly obtain the student's records, including all ARD documents, any evaluation information, and any other records relating to the provision of special education or related services to the student, as well as other educational records including relevant discipline and/or threat assessment records. The previous LEA is responsible for providing such records promptly, which is defined in Texas law as not later than the tenth working day after the date the request is received. Campus Personnel and/or Campus Special Education Personnel are not required to obtain parental consent before requesting the student's special education records if the records are requested for purposes related to the student's enrollment in the Dallas ISD.

When a student with a disability transfers from the Dallas ISD and registers at another LEA, Campus Personnel and/or Campus Special Education Personnel must take reasonable steps to promptly respond to a request from the student's new school for the student's education records, including all ARD documents, any evaluation information, and any other records related to the provision of special education or related services to the student, as well as other educational records including relevant discipline and/or threat assessment records. Campus Personnel and/or Campus Special Education Personnel should provide these records within ten

(10) working days after the date the Dallas ISD receives the request. Campus Personnel and/or Campus Special Education Personnel are not required to obtain parental consent before providing the student's records to the new school if the records are requested for purposes related to the student's enrollment in the new school.

#### Verification of IEP

For the purposes of the procedures related to transfer or recently registered students, "verify" or "verification of an IEP" means the Campus has received a copy of the student's IEP that was in effect in the previous LEA. If a parent hasn't already provided a copy of the IEP that was in



effect in the previous LEA (or indicated that they do not have a copy) and the Dallas ISD has been unable to obtain the IEP from the previous LEA by the 15<sup>th</sup> working day after the date a request for the records was submitted to the prior LEA, Campus Special Education Personnel must seek verification (i.e. a copy of the IEP) from the student's parent. If the parent is unwilling or unable to provide such verification, Campus Special Education Personnel will continue to take reasonable steps to obtain the student's IEP and other records from the previous LEA.

#### Students Who Transfer Within the State of Texas

If a student with a disability transfers to or registers in the Dallas ISD from another LEA within Texas during the same school year, and the parents or previous LEA verifies that the student has an IEP that was in effect in the previous LEA, the student's ARD Committee must either:

- Adopt the student's IEP from the previous LEA; or
- Develop, adopt, and implement a new IEP.

The timeline for adopting the previous IEP or developing, adopting, and implementing a new IEP is 20 school days from the date the student is verified as being a student eligible for special education services. The first school day after the Campus receives a copy of the student's IEP from the prior LEA begins the 20-school day timeline.


If the student from another LEA in Texas enrolls or registers in the Dallas ISD during the summer when students are not in attendance for instructional purposes, the student is still considered a transfer student and the procedures and timelines explained above will apply.

#### Students Who Transfer From Outside of Texas

If a student with a disability transfers or registers in the Dallas ISD from another LEA outside of Texas during the same school year, and the parents or previous LEA verifies that the student has an IEP that was in effect in the previous LEA, the Dallas ISD must:

- If determined necessary, conduct a full individual and initial evaluation (FIIE) and make an eligibility determination and, if eligible, develop, adopt, and implement a new IEP; or
- If an evaluation is not necessary and eligibility has been verified, develop, adopt, and implement a new IEP.

Based on information received from the previous LEA and/or parents, Dallas ISD or Campus Special Education Assessment Personnel will determine if an evaluation is necessary for the transfer student to determine eligibility for special education services. If Dallas ISD or Campus



Special Education Assessment Personnel determine that an evaluation is necessary, Dallas ISD or Campus Special Education Assessment Personnel must conduct the full individual and initial evaluation (FIIE) and make an eligibility determination and, if appropriate, develop, adopt, and implement a new IEP within the timeline established by 19 TAC 89.1011 for a FIIE. *See* [EVALUATION PROCEDURES]. In accordance with these procedures, the FIIE must be completed (with some exceptions for absences and late in the school year evaluations), 45 school days from receipt of written consent for the evaluation from the student’s parent or guardian. The ARD Committee must then meet to develop an IEP for the student within 30 calendar days from the date of completion of the FIIE.

If Dallas ISD or Campus Special Education Assessment Personnel determine that a FIIE is not necessary, the ARD Committee must develop, adopt, and implement a new IEP within 20 school days from the date the student’s eligibility for special education is verified. The first school day after the Campus receives a copy of the student’s IEP from the previous LEA begins the 20-school day timeline.


If the student from another LEA outside of Texas enrolls or registers in the Dallas ISD during the summer when students are not in attendance for instructional purposes, the student is still considered a transfer student and the procedures and timelines explained above will apply.

#### Comparable Services

While the Dallas ISD waits for verification that a transfer student had an IEP in effect at the prior LEA, the Campus must take reasonable steps to provide, in consultation with the student’s parents, special education and related services and placement comparable to those the student received from the previous LEA, if the Campus has been informed by the previous LEA of the student’s special education and related services and placement.

Once the Dallas ISD receives verification that the student has an IEP in effect at the previous LEA (i.e., receives a copy of the current IEP in effect at the prior LEA), comparable services must continue to be provided during the timelines described above. For students who transfer during the summer or if the timeline for adoption or development of the IEP extends to the next school year, comparable services must include the provision of Extended School Year (ESY) services if those services are identified in the previous IEP or if the Campus has reason to believe that the student would be eligible for ESY services. Pending Initial Evaluations from Prior LEA

To ensure that initial evaluations of students who transfer from another LEA are completed in a timely manner, Dallas ISD or Campus Special Education Assessment Personnel must coordinate with the previous LEA, as necessary and as expeditiously as possible to ensure a prompt completion of the evaluation. Dallas ISD or Campus Special Education Assessment Personnel are responsible for completing an evaluation that the previous LEA was in the process of completing at the time the student enrolled or registered in the Dallas ISD, and must comply with all consent and evaluation procedures, including relevant timelines. *See* [CONSENT FOR INITIAL EVALUATION] and [EVALUATION PROCEDURES]. However, the 45-school day timeline required



by the IDEA for completing an initial evaluation will not apply if the Dallas ISD is making sufficient progress to ensure the evaluation is completed in a timely manner and the parent and Dallas ISD Special Education Personnel agree to a specific timeframe for completion of the evaluation.

### Additional Procedures

#### Transmittal of Records and Verification of IEP


Upon registration or enrollment, the Campus Registrar or other Campus Personnel will review all information provided by the parent and notify (within one school day of enrollment/registration) the Campus Special Education Personnel if any information, including parent information, report cards, or other enrollment records, indicate that the student received special education services at his/her previous school. If the parent provides a copy of a current IEP from the prior LEA during enrollment or registration, the Campus Registrar will provide the copy of the IEP to the Campus Special Education Personnel.

Campus Special Education Personnel will take reasonable steps to immediately obtain the student's records from the previous LEA (no more than 3 school days following registration or enrollment). Campus Special Education Personnel will request from the previous LEA a copy of the student's current IEP that was in effect in the previous LEA, a copy of the student's most recent evaluation(s), as well as all student records, including all prior IEP documents, any other evaluation information, relevant discipline and/or threat assessment records, and any other records relating to the provision of special education or related services for the student.

Campus Special Education personnel will make efforts to ensure that the previous LEA provides records within 10 working days of the request by contacting the previous LEA at regular intervals (at least 1 attempt every 2 school days) until the records are received. Campus or Dallas ISD Special Education Personnel will document all attempts to verify eligibility of special education services in the previous Dallas ISD, including attempts made during the summer months.

If the parent does not provide verification of eligibility (i.e. a copy of the previous IEP) and the previous LEA does not provide a copy of the IEP and other records within a timely manner, Campus Special Education Personnel will request a copy of the prior IEP and evaluation from the student's parent before the 15<sup>th</sup> working day after the request was submitted to the prior LEA. Campus Special Education Personnel shall maintain written documentation (i.e. a communication log) of all efforts to verify the student's eligibility for special education services.

Upon receipt of the current IEP from the previous Dallas ISD, the Dallas ISD or Campus Personnel who received the records will document the date of receipt and




immediately notify (via email) Campus Special Education Personnel responsible for scheduling ARD Committee meetings as well as the Dallas ISD or Campus Assessment Personnel that the current IEP has been received. The Campus Special Education Personnel responsible for scheduling ARD Committee meetings will ensure that an ARD Committee meeting is scheduled to meet the applicable deadline. The Dallas ISD or Campus Assessment Personnel will also ensure that any evaluation or REED needed is completed to meet the applicable deadlines.

For students transferring from the Dallas ISD to a new public school in Texas, Campus Personnel and Campus Special Education Personnel will send all documentation through the Texas Record Exchange System (TREx) within 10 working days of receipt of the request for records from the requesting Dallas ISD, including all special education records, discipline records, and threat assessment records. Any additional documentation that cannot be sent through TREx may be mailed or hand delivered to the receiving school. For students transferring from the Dallas ISD to a public school not in Texas, Campus Personnel and Campus Special Education Personnel will respond to all requests for records, including special education records, by mailing the records via U.S. mail or confirmed email, to the school within 10 working days of the request. Campus Personnel must ensure that any method used for sharing student records is done through a secure system to ensure confidentiality.

#### Students Who Transfer Within the State of Texas

For students who transfer or register in the Dallas ISD from another LEA in Texas, within 20 school days from receipt of the student's prior IEP, the student's ARD Committee will convene an annual ARD Committee meeting to either (1) adopt the student's IEP from the previous LEA or (2) develop, adopt, and implement a new IEP based on ARD Committee decisions. The 20-school-day timeline will not begin until the Dallas ISD is in receipt of the student's current IEP that was in effect at the previous Dallas ISD. Upon receipt of the current IEP from the previous Dallas ISD, the Dallas ISD or Campus Personnel who received the records will document the date of receipt and immediately notify (via email) Campus Special Education Personnel responsible for scheduling ARD Committee meetings that the current IEP has been received. The Campus Special Education Personnel responsible for scheduling ARD Committee meetings will begin the process to schedule the ARD Committee meeting within the 20-school-day timeline.

Dallas ISD or Campus Assessment Personnel shall review the evaluation information, if any, received from the prior school and determine if the Dallas ISD is accepting the evaluation completed by the prior LEA. An evaluation from another LEA within the state of Texas is acceptable if the evaluation is current and appropriate as determined by Dallas ISD or Campus Assessment Personnel following review of the evaluation. See [EVALUATION]. If the Dallas ISD or Campus Assessment Personnel determines that additional formal evaluation information is needed to develop, adopt, and implement a new IEP, or if the Dallas ISD does not receive the prior evaluation, the Dallas ISD must obtain consent from the parent. See [CONSENT]. Dallas ISD




or Campus Assessment Personnel will complete a Review of Existing Evaluation Data (“REED”) based on information contained in records from the previous Dallas ISD, complete a new FIE, and convene the student’s ARD meeting to develop and adopt a new IEP within the 20-school-day timeline.

#### Students Who Transfer From Outside Texas

Upon enrollment or registration of a student from an LEA outside of Texas, Dallas ISD or Campus Assessment Personnel shall review the evaluation information received from the prior school, if any. An evaluation from another school outside of Texas may be acceptable if the evaluation is current and meets all TEA disability condition requirements as determined by Dallas ISD or Campus Assessment Personnel following review of the evaluation. *See [EVALUATION].*

If the student enrolls in the Dallas ISD without an FIE, with an eligibility that is not recognized by TEA, or with a FIE that is in other ways inappropriate as determined by Dallas ISD or Campus Assessment Personnel, the Dallas ISD will complete a full individual initial evaluation (FIIE). If the evaluation from the prior school is not accepted by the Dallas ISD or Campus Assessment Personnel or if the evaluation is not received within 10 working days of the request for records, the Campus Special Education Personnel shall obtain consent from the parent for the FIIE. After obtaining consent and conducting the FIIE, the student’s ARD Committee must hold an initial ARD meeting within 30 calendar days of the completion of the FIIE to develop, adopt, and implement an appropriate IEP. *See [EVALUATION].*



If an FIIE is not necessary and the prior evaluation is received and eligibility is accepted by the Dallas ISD or Campus Assessment Personnel, the Dallas ISD or Campus Special Education Personnel will complete a Review of Existing Evaluation Data (“REED”) based on information contained in records from the previous Dallas ISD, and hold an initial ARD Committee meeting to develop, adopt, and implement an appropriate IEP within 20 school days of the date the prior IEP was received. See [REVIEW OF EXISTING EVALUATION DATA].


#### Comparable Services and Consultation with Parents

Until the Dallas ISD has an IEP in place for a transfer student, Dallas ISD and Campus Service Providers, in consultation with the parents, must take reasonable steps to provide the student with services and placement comparable to those the student received from the previous LEA. Therefore, within 3 school days following notice from the previous LEA or the parent of the student’s special education and related services and placement in the previous LEA, Campus Special Education Personnel will contact the parent to discuss the services and placement provided by the prior school and document the discussion and method of communication with the parent. After consultation with the parent, the Campus Special Education Personnel along with the Dallas ISD or Campus Assessment Personnel will determine and document appropriate comparable services and placement that will be provided by the Dallas ISD on a Dallas ISD-approved form. Campus Special Education Personnel will distribute this information regarding the comparable services in writing to all relevant service providers. In addition, all service providers shall document the receipt of comparable services as well as any progress on these comparable services until an IEP is developed and adopted for the student. Campus Special Education Personnel will also determine whether the student requires ESY services as comparable services based on what is identified in the previous IEP and/or the student’s current needs.

The United States Department of Education has declined to define “comparable services” because the Department interpreted “comparable” to have the plain meaning of the word, which is “similar” or “equivalent.” As applied with respect to a student who transfers to the Dallas ISD from a previous LEA, “comparable” services means services that are “similar” or “equivalent” to those that were described in the student’s IEP from the previous LEA, as determined by the student’s newly designated ARD Committee in the Dallas ISD.

#### Pending Initial Evaluations from Prior LEA

Dallas ISD Special Education Administration will carefully review the records of all transfer students to determine if an initial evaluation is pending and communicate with the parent or guardian or the previous school if more information is needed. Where an initial evaluation is pending for a student transferring into the Dallas ISD during the school year or registering during the summer, Dallas ISD or Campus Special Education Assessment Personnel will coordinate with the student’s previous Dallas ISD to ensure the evaluation is completed in a timely manner and to gather any




and all information about the pending evaluation.


Within 3 working days of receipt of information from the prior LEA that an initial evaluation is pending, Dallas ISD or Campus Assessment Personnel will meet with the student's parent or guardian to obtain consent and establish a new timeframe for completing the evaluation, which shall not exceed 45 school days from the date of the consent. The evaluation must be completed within the timeframe established. Dallas ISD or Campus Assessment Personnel will Document all student absences during the evaluation process.

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

### Evidence of Implementation

- Communication with Previous Dallas ISD for Student Transferring into the Dallas ISD
- Records on Texas Records Exchange System
- Records Received from Prior Schools
- Documentation of All Contacts to Prior School
- Documentation of All Contacts with Parent
- Documentation of Comparable Services
- Documentation of Implementation of Comparable Services
- Review of Outside LEA Data
- REED
- Consent for Initial Evaluation
- Documentation of Timeline for Evaluation
- FIE
- FIIE
- ARD/IEP
- Prior Written Notice
- Notice of Procedural Safeguards

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- Documentation for the state in TSDS, PEIMS, and SPP



## Resources

[The Texas Legal Framework for the Child-Centered Special Education Process: Children Who Transfer or Recently Registered - Region 18](#)

[OSERS Letter to State Directors of Special Education \(July 19, 2013\) - U.S. Department of Education](#)

[OSERS Letter to Finch \(Aug. 5, 2010\) - U.S. Department of Education](#)

[OSERS Letter to Champagne \(Nov. 17, 2008\) - U.S. Department of Education](#)

[Questions and Answers on Individualized Education Programs \(IEPs\), Evaluations, and Reevaluations \(Sept. 2011\) - U.S. Department of Education](#)

[Notice of Procedural Safeguards - Texas Education Agency](#)



## Citations

Board Policy EHBA; Board Policy EHBAB; 20 U.S.C. 1414; 34 CFR 99.31, 99.34, 300.301(d)–(e),

300.304(c), 300.323; Texas Education Code 25.002; 19 TAC 89.1011(f),

89.1050, 89.1055