

**POLICY GROUP 6 - SPECIAL EDUCATION
REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES**

Sec. 1. REQUESTS AND REFERRALS FOR FULL AND INDIVIDUAL INITIAL EVALUATION

Referral of students for a full and individual initial evaluation (FIIE) for possible special education services shall be a part of International Leadership of Texas’s overall general education referral or screening system. Either a parent, the Texas Educational Agency (“TEA”), another state agency, or International Leadership of Texas may initiate a request for an initial evaluation.

a) *Obligation to Refer*

Students not making progress in the general education classroom should be considered for all interventions and support services available to all students, such as tutorial; compensatory; response to evidence-based intervention; and other academic or behavior support services. International Leadership of Texas cannot require a student to participate in interventions and support services for any specific length of time prior to a referral being made or an FIIE being conducted. If the student continues to experience difficulty in the general education classroom with the provision of interventions and support services or at any time International Leadership of Texas personnel suspect a disability and a possible need for special education and related services, International Leadership of Texas personnel must refer the student for a full and individual initial evaluation. A referral or request for an FIIE may be initiated at any time by school personnel, the student’s parents or legal guardian, or another person involved in the education or care of the student. While an FIIE is being conducted, a student must continue to receive any necessary intervention and support services to target their academic or behavioral needs.

20 U.S.C. 1414(a)(1); 34 CFR 300.301; 19 TAC 89.1011.

b) *Parent Request*

If a parent submits a written request to International Leadership of Texas’s Director of Special Education Services or to a International Leadership of Texas administrative employee, such as a campus principal, for an FIIE of a student, International Leadership of Texas must, not later than the 15th school day after the date International Leadership of Texas receives the request:

1. Provide the parent with prior written notice of its proposal to conduct an evaluation consistent with 34 CFR 300.503, a copy of the procedural safeguards notice required by 34 CFR 300.504, a copy of the Overview of Special Education for Parents form created by the Texas Education Agency (TEA), and an opportunity to give written consent for the evaluation; or
2. Provide the parent with prior written notice of its refusal to conduct an evaluation consistent with 34 CFR 300.503, a copy of the Overview of Special Education for Parents form created by TEA; and a copy of the procedural safeguards notice required by 34 CFR 300.504.

20 U.S.C. 1414(a)(1); 34 C.F.R. 300.301; 19 TAC 89.1011(a), (b); Education Code 29.004(c).

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c) *School request*

When International Leadership of Texas initiates the referral for an FIIIE of a student, International Leadership of Texas must provide the parent with prior written notice of its proposal to conduct an evaluation consistent with 34 CFR 300.503, a copy of the procedural safeguards notice required by 34 CFR 300.504, a copy of the Overview of Special Education for Parents form created by the Texas Education Agency (TEA), and an opportunity to give written consent for the evaluation. *19 TAC 89.1011(c)*.

Sec. 2. NOTICE OF RIGHTS

International Leadership of Texas shall provide written notice to a student’s parent or guardian within a reasonable time before proposing or refusing to initiate the identification, evaluation, or educational placement of a student or the provision of a free appropriate public education (“FAPE”). *34 CFR 300.8(c)(10)*

Sec. 3. INITIAL EVALUATION

International Leadership of Texas shall conduct a full and individual initial evaluation before the initial provision of special education and related services. *20 U.S.C. 1414(a)(1)(A)*.

International Leadership of Texas shall ensure that evaluations of children who transfer from one district to another in the same academic year are coordinated with the children’s prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of evaluations. *20 U.S.C. 1414(b)(3)(D)*.

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services. *20 U.S.C. 1414(a)(1)(E)*.

a) *Consent for Initial Evaluation*

International Leadership of Texas shall make reasonable efforts to obtain informed parental consent before conducting an initial evaluation.

If the parent does not provide consent for an initial evaluation or fails to respond to a request to provide consent, International Leadership of Texas may—but is not required to—pursue the initial evaluation by utilizing due process procedures, except to the extent inconsistent with state law relating to such parental consent.

Parental consent to initial evaluation shall not be construed as consent for placement for special education and related services.

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20 U.S.C. 1414(a)(1)(D)(i)(1); 34 CFR 300.300.

b) *Wards of the State*

If the child is a ward of the state and is not residing with the child’s parent, International Leadership of Texas shall make reasonable efforts to obtain the informed consent from the parent for an initial evaluation, unless:

1. International Leadership of Texas cannot discover the whereabouts of the parent, despite reasonable efforts to do so;
2. The rights of the parent have been terminated; or
3. The rights of the parent to make educational decisions have been subrogated and an individual appointed by a judge to represent the student has given consent for an initial evaluation.

20 U.S.C. 1414(a)(1)(D)(iii); 34 CFR 300.300(a)(2).

Sec. 4. PROVIDING ASSISTANCE TO STUDENTS WHO HAVE LEARNING DIFFICULTIES OR NEED SPECIAL EDUCATION SERVICES

If a student is experiencing learning difficulties, the parent may contact their child’s campus principal to learn about International Leadership of Texas’s overall general education referral or screening system for support services. This system links students to a variety of support options, including referral for a special education evaluation. Students having difficulty in the regular classroom should be considered for tutorial, compensatory, and other academic or behavior support services that are available to all students, including a process based on Response to Intervention (“RtI”). The implementation of RtI has the potential to have a positive impact on International Leadership of Texas’s ability to meet the needs of all struggling students.

The Texas Education Agency shall produce and provide to International Leadership of Texas a written explanation of the options and requirements for providing assistance to students who have learning difficulties or who need to may need special education. The explanation will state that a parent is entitled at any time to request and evaluation of the parent’s child for special education services under Texas Education Code 29.004 or for aids, accommodations, or services under Section 504, Rehabilitation Act of 1973 (29 USC Section 794). Each school year, International Leadership of Texas shall provide the written explanation produced by TEA to a parent by including the explanation in the student handbook or by another means. *Tex. Educ. Code § 26.0081(c).*

Each school year, International Leadership of Texas shall notify a parent of each child, other than a child enrolled in a special education program under the IDEA, who receives assistance from International Leadership of Texas for learning difficulties, including through the use of

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intervention strategies that International Leadership of Texas provides that assistance to the child. The notice must:

1. be provided when the child begins to receive the assistance for that school year;
2. be written in English or, to the extent practicable, the parent’s native language; and
3. include:
 - a. a reasonable description of the assistance that may be provided to the child, including any intervention strategies that may be used;
 - b. information collected regarding any intervention in the base tier of a multi-tiered system of supports that has previously been used with the child;
 - c. an estimate of the duration for which the assistance, including through the use of intervention strategies, will be provided;
 - d. the estimated time frames within which a report on the child’s progress with the assistance, including any intervention strategies used, will be provided to the parent; and
 - e. a copy of the written explanation produced by TEA of the options and requirements for providing assistance to students who have learning difficulties or who need or may need special education. The explanation must state that a parent is entitled at any time to request an evaluation of the parent’s child for special education services or for aids, accommodations, or services under Section 504 of the Rehabilitation Act (“Section 504”).

Tex. Educ. Code § 26.0081(d).