TASB Student Solutions

EVALUATION

DISABILITIES

September 2025

Model operating procedure created by

and

Disclaimer: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

CONTENTS

DISABILITIES 6

AUTISM 7

What is Required 7

Additional Procedures 7

Evidence of Implementation 10

Resources 10

Citations 11

DEAF-BLINDNESS 12

What is Required 12

Additional Procedures 13

Evidence of Implementation 14

Resources 15

Citations 15

DEAF OR HARD OF HEARING 16

What is Required 16

Additional Procedures 17

Evidence of Implementation 20

Resources 20

Citations 21

DEVELOPMENTAL DELAY 22

What is Required 22

Additional Procedures 23

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

Evidence of Implementation 24
Resources 24
Citations 24
EMOTIONAL DISABILITY 25
What is Required 25
Additional Procedures 26
Evidence of Implementation 29
Resources 29
Citations 29
INTELLECTUAL DISABILITY 30
What is Required 30
Additional Procedures 31
Evidence of Implementation 32
Resources 32
Citations 32
MULTIPLE DISABILITIES 33
What is Required 33
Additional Procedures 33
Evidence of Implementation 34
Resources 35
Citations 35
ORTHOPEDIC IMPAIRMENT 36
What Is Required 36

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

Additional Procedures 36
Evidence of Implementation 37
Resources 38
Citations 38
OTHER HEALTH IMPAIRMENT 39
What is Required 39
Evidence of Implementation 41
Resources 41
Citations 41
SPECIFIC LEARNING DISABILITY 42
What is Required 42
Eligibility Criteria 42
Evaluation 43
Determinant Factors 43
Observation 44
Participation in the RtI Process/RtI Model 44
Pattern of Strengths and Weaknesses Model 45
Exclusionary Factors 45
Additional Documentation of SLD 45
Evaluation of Specific Learning Disability – Dyslexia 46
Additional Procedures 47
Evaluation of Specific Learning Disability Resulting from Dyslexia 49
Evidence of Implementation 49
Resources 50
Citations 51
SPEECH OR LANGUAGE IMPAIRMENT 52

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

What is Required 52
Additional Procedures 52
Evidence of Implementation 53
Resources 54
Citations 54
TRAUMATIC BRAIN INJURY 55
What is Required 55
Evidence of Implementation 56
Resources 57
Citations 57
VISUAL IMPAIRMENT 58
What is Required 58
Eligibility 58
Evaluation Procedures 58
Additional Procedures 59
Evidence of Implementation 61
Resources 61
Citations 62

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

DISABILITIES

A student must be assessed under the IDEA in all areas of suspected disability. There are 13 areas of eligible disabilities under the IDEA. In order to receive FAPE under the IDEA, a student must be assessed and determined to be eligible in one or more of the following areas:

(1) Autism (AU)
(2) Deaf Blindness (DB)
(3) Deaf or Hard of Hearing (DHH)
(4) Developmental Delay (DD)
(5) Emotional Disability (ED)
(6) Intellectual Disability (ID)
(7) Multiple Disabilities (MD)
(8) Orthopedic Impairment (OI)
(9) Other Health Impairment (OHI)
(10) Specific Learning Disability (SLD)
(11) Speech or Language Impairment (SI)
(12) Traumatic Brain Injury (TBI)
(13) Visual Impairment (VI)

The district will provide professional development at the beginning of each school year to all staff who, at any time during the school year, may participate in an evaluation to determine whether a student meets eligibility for special education and related services. The training will include current expectations included within these operating procedures, as well as any others that arise due to legislation or research-based best practice recommendations. If updates to requirements for evaluation in any area occur during the course of the school year, the district will provide professional development to appropriate staff to address the updates and ensure adherence to all evaluation standards. The district will maintain copies of training agendas and sign in sheets.

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

AUTISM

What is Required

A student must be assessed under the IDEA in all areas of suspected disability. Autism or AU is one of the areas of eligible disabilities under the IDEA.

Autism (AU) is a developmental disability significantly affecting verbal and nonverbal communication and social interaction, which may adversely affect the student's educational performance. Other characteristics often associated with autism include engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. While the characteristics of autism are generally evident before age 3, age 3 is not a cut-off point for IDEA eligibility. A student who manifests these characteristics after age 3 could be identified as having autism if the student meets the other eligibility criteria. In addition, the absence of one or more of the characteristics often associated with autism will not automatically exclude students from meeting eligibility. Students with pervasive developmental disorders are included under the disability category of autism. However, a student does not meet the eligibility criteria for autism if the student's educational performance is adversely affected primarily because the student has an emotional disability. *See below* [EVALUATION - DISABILITIES - Emotional Disability].

To assess for AU, the District or Campus Assessment Personnel will comply with the general evaluation procedures. *See* [EVALUATION PROCEDURES]. In addition, for AU, the written report of the evaluation by this group of qualified professionals must include specific recommendations for communication, social interaction, and behavioral interventions and strategies.

A medical diagnosis of autism will not in itself entitle a student to receive special education and related services, and the district cannot require the student to meet the requirements for a medical/psychological diagnosis of autism. Further, the absence of other characteristics often associated with autism does not exclude the student from eligibility as a student with autism. Instead, to meet the IDEA's definition of autism, the student's disability must meet the criteria set out in state and federal law and have an adverse effect on the student's educational performance.

Additional Procedures

A referral for an autism evaluation may be indicated when the District or Campus Personnel working with the student and/or the parent of the student suspects the student is exhibiting social and behavioral characteristics of autism. An evaluation for a student suspected of being a student with autism often includes the following areas: academic

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

achievement, adaptive behavior, autism screening, cognition, developmental, emotional, and behavioral, functional behavioral, motor, sensory, social relationships, speech language, and transition/vocational. A multi-disciplinary team will complete the evaluation for AU, which may include, as appropriate, an educational diagnostician, a School Psychologist, a Speech/Language Pathologist, and/or an Occupational Therapist. The multi-disciplinary team should collaborate to create an evaluation plan to identify the procedures/assessments to be used in each area of the evaluation, to identify the person(s) responsible for collecting the data, to set a date for a follow-up discussion to review the data, and to make recommendations as to how the report will be integrated into one report. The resulting FIE should present a coherent rationale to either support or negate a recommendation for special education eligibility as a student with AU and rule out alternative educational disorders and environmental explanations for the student's observed behavioral and/or academic difficulties. The written report will include specific recommendations for communication, social interaction, and positive behavioral interventions and strategies.

In addition to the general evaluation procedures, as part of an AU assessment, the Campus and District Assessment Personnel should consider some or all of the following:

- Emphasis on pragmatic/social language skills and assessments
- Emotional, behavioral, or social functioning should be assessed across a variety of times or settings and should include both structured and unstructured observations
- Student interviews should be exploration or play-based as appropriate
- Include assessment and recommendations to address all areas contained in the AU Supplement/Section of the IEP, including extended educational programming, daily schedules, in-home and community-based training, parent/family training, futures training, positive behavior support strategies, suitable staff-to-student ratios, communication, and social skills. *See* [FAPE – SPECIAL FACTORS – Students With Autism]

In addition, if the student's behavior is impeding the student's learning or that of others, the District Assessment Personnel should consider conducing a Functional Behavioral Assessment as part of the evaluation. An FBA is a process for collecting data to determine the possible cause of problem behaviors and to identify strategies to address the behaviors. An FBA is generally understood to be an individualized evaluation of a student to assist in determining eligibility and/or the nature and extent of the special education and related services that the student needs, including the need for a Behavior Intervention Plan (BIP). As such, in most cases, parental consent is required for an FBA. *See* [EVALUATION PROCEDURES], [CONSENT FOR INITIAL EVALUATION] and [CONSENT FOR REEVALUATION].

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

The scope and nature of the FBA will depend on the nature and severity of the student's behaviors. The District or Campus Assessment Personnel will observe the student in various school settings and collect input from staff and members of the ARD Committee, including the parent. The District or Campus Assessment Personnel will consider the data, including interviews conducted with the student and/or parents that provides information about how the student's environment contributes to positive and problem behaviors, including the antecedents to the behavior. This information will be used to develop a hypothesis about why problem behaviors occur (the function of the behaviors) and will identify replacement behaviors that can be taught and that serve the same purpose for the student.

The FBA will provide the ARD Committee with information regarding the function of the student's behavior, factors that may trigger certain behavior, and interventions identified to decrease negative behaviors and increase appropriate behaviors. The ARD Committee will review this information when developing a BIP and or behavior goals or accommodations for the student. A BIP is a written plan developed as part of the IEP to address behavioral concerns affecting the student's educational progress. A BIP is based on the problem behaviors identified in the FBA, identifies events that predict these behaviors from the FBA, and includes positive interventions to change behaviors and methods of evaluation. If the ARD Committee develops a BIP, a copy of the BIP will be provided to each of the student's teachers. The purpose of a BIP is to redirect the student's targeted behaviors to ensure the student can make appropriate progress in light of the student's unique circumstances.

Additionally, Campus or District Assessment Personnel will consider the presence of any cultural and/or linguistic differences when evaluating a student for autism and whether the differences may impact the evaluation results. For students with AU, specific strategies must be considered by the ARD Committee, based on peer-reviewed, research-based educational programming practices to the extent practicable and, when needed, such practices must be addressed in the IEP: *See* [FAPE – SPECIAL FACTORS – Students With Autism].

Upon completion of the AU evaluation, each member of the evaluation team should sign the FIE. If the student is eligible for special education as a student with Autism, a Disability Report in this area will be completed.

A medical diagnosis of autism will not in itself entitle a student to receive special education and related services, and the district cannot require the student to meet the requirements for a medical/psychological diagnosis of autism. Further, the absence of other characteristics often associated with autism does not exclude the student from eligibility as a student with autism. Instead, to meet the IDEA's definition of autism, the student's disability must meet the criteria set out in state and federal law and have an adverse effect on the student's educational performance. Finally, while the characteristics of autism are

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

generally evident before age 3, students older than age 3 may be found eligible as a student with autism under the IDEA.

If the student does not meet the eligibility criteria for AU, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or District Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

The district will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. *See* [EVALUATION PROCEDURES].

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

Evidence of Implementation

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- Autism Supplement
- FIE
- ARD/IEP
- Disability Report: Autism
- Consent for Functional Behavioral Assessment
- Functional Behavioral Assessment
- Behavior Intervention Plan
- Documentation for the state in TSDS, PEIMS, and SPP
- Training Documentation for Evaluation Staff

Resources

The Texas Legal Framework for the Child-Centered Special Education Process: Autism Framework - Region 18

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

Autism Resources -Texas Education Agency

Texas Autism Resource Guide for Effective Teaching (TARGET) - Region 13

Autism - SPEDTEX

Citations

Board Policy EHBAB; 34 CFR. 300.8(c), 300.304; 19 TAC 89.1040(b)–(c), 89.1050(a)(5); 89.1055

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

DEAF-BLINDNESS

What is Required

A student must be assessed in all areas of suspected disability. Deaf-blindness refers to a student with both hearing and visual disabilities. The IDEA defines deaf-blindness as "concomitant [simultaneous] hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness."

A student with deaf-blindness is one who has been determined to meet the criteria for deaf-blindness. A student with deaf-blindness is one who:

- Meets the criteria for deaf or hard of hearing and visual impairment *See* [EVALUATION-DISABILITIES – Deaf or Hard of Hearing] and [EVALUATION-DISABILITES – Visual Impairment];
- Meets the eligibility criteria for a student with a visual impairment and has a suspected hearing loss that cannot be demonstrated conclusively, but there is not speech at an age when speech would normally be expected, as determined by a speech/language therapist, a certified speech and language therapist, or a licensed speech language pathologist;
- Has documented hearing and visual losses that, if considered individually, may not meet the requirements for deaf or hard of hearing or visual impairment, but the combination of such losses adversely affects the student's educational performance; <u>or</u>
- Has a documented medical diagnosis of a progressive medical condition that will result in related auditory and visual losses that, without the provision of special education services, will adversely affect student's educational performance.

To assess for deaf-blindness, the District or Campus Assessment Personnel will comply with the general evaluation procedures. *See* [EVALUATION PROCEDURES]. In addition, the evaluation data reviewed by the District or Campus Assessment Personnel in connection with the determination of the student's disability based on deaf-blindness must comply with the evaluation procedures of deaf or hard of hearing and visual impairment. *See below* [EVALUATION - DISABILITIES - Deaf or Hard of Hearing] and [EVALUATION - DISABILITIES – Visual Impairment]. Further, the procedures and materials used for the assessment and placement of the student who is deaf or hard of hearing must be in the student's preferred mode of communication. In addition, in recognizing the need for development of language and communication abilities in students who are deaf or hard of hearing but also calling for the use of methods of communication that will meet the needs of each individual student, each student who is deaf or hard of hearing must be

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

thoroughly assessed to ascertain the student's potential for communicating through a variety of means.

For a student from birth through 2 with a visual impairment and/or who is deaf or hard of hearing, an IFSP meeting must be held, and the district must comply with the procedures for students ages 0-5. *See* [CHILD FIND - AGES 0-5].

Additional Procedures

When a referral for a student suspected of visual impairment and/or deaf of hard of hearing is first received, the Diagnostician/School Psychologist should contact a professional certified in DHH/VI for assistance in determining the types, levels, and procedures for assessment of the student. However, the Diagnostician/School Psychologist, with the assistance of the DHH/VI Professional, remains responsible for ensuring that the FIE and eligibility assessment is completed appropriately.

If the parent does not provide to the district an examination report by an otolaryngologist or a licensed medical doctor and/or an audiologist that provides the required evaluation data, the district is responsible for obtaining such information at no expense to the parent. *See below* [EVALUATION – DISABILITIES – Deaf or Hard of Hearing]. The District or Campus Assessment Personnel should first request these reports from the parent and request that the parent sign and return a Consent to Release Confidential Information form so that the District Assessment Personnel can contact the student's medical provider for information and/or questions regarding the reports. *See* [CONSENT FOR DISCLOSURE OF CONFIDENTIAL INFORMATION]. If the parent refuses, or does not have a current report, and/or is not responsive to the request, the District or Campus Assessment Personnel should contact the Special Education Director or designee for assistance in setting up the appropriate examination(s). This may be accomplished by contracting with an otolaryngologist or a licensed medical doctor and /or an audiologist, asking the parent to obtain the report and reimbursing the parent, or any other appropriate method to obtain the evaluation data at the district's discretion. A hearing screening conducted by a school nurse is not sufficient.

Similarly, if the parent does not provide to the district an examination report(s) by a licensed ophthalmologist or optometrist that provides the required evaluation data, the district will obtain such information at no expense to the parent. *See below* [EVALUATION – DISABILITIES - Visual Impairment]. The District or Campus Assessment Personnel should first request this report from the parent and request that the parent sign and return a Consent to Release Confidential Information form so that the District Assessment Personnel can contact the student's medical provider for information and/or questions regarding the reports. *See* [CONSENT FOR DISCLOSURE OF CONFIDENTIAL INFORMATION]. If the parent refuses, or does not have a current report, and/or is not responsive to the request, the District or Campus Assessment Personnel should contact

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

the Special Education Director or designee for assistance in setting up the appropriate examination. This may be accomplished by contracting with an ophthalmologist or optometrist, asking the parent to obtain the report, and reimbursing the parent, or any other appropriate method to obtain the evaluation data at the district's discretion. A vision screening conducted by a school nurse is not sufficient.

For a student with a suspected or documented deaf-blindness, the ARD Committee, which determines whether the student is a student with a disability and the educational needs of the student, must include a teacher certified in the education of students with auditory impairments and a teacher certified in the education of students with visual impairments.

Upon completion of the evaluation, each member of the evaluation team should sign the FIE. If the student is eligible for special education as a student with Dead-Blindness, a Disability Report in this area will be completed.

The district must register all students who are eligible for special education as visually impaired or deaf-blind on TEA's annual Registration of Students with Visual Impairments. The district must register all students with combined hearing and vision loss on TEA's annual Deaf-blind Census, including students where combined vision and hearing loss are suspected, but assessment is not yet completed in one or both sensory areas.

If the student does not meet the eligibility criteria for VI, AI and/or Deaf-Blindness, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or District Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

The district will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. *See* [EVALUATION PROCEDURES].

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

Evidence of Implementation

- Notice of Evaluation
- Consent for Evaluation
- Referral Information

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

- Assessment Plan
- Consent to Release Confidential Information
- Otological Examination
- Audiological Evaluation
- Communication Evaluation Report
- Ophthalmologist/Optometrist Report
- Functional Vision Evaluation
- Learning Media Assessment
- Orientation and Mobility Evaluation
- FIE
- Disability Report: Deaf-Blindness
- ARD/IEP
- Documentation for the state in TSDS, PEIMS, and SPP
- Training Documentation for Evaluation Staff

Resources

The Texas Legal Framework for the Child Centered Special Education Process: Deaf-Blindness - Region 18

IEP Quality Indicators for Students with Deaf-Blindness (Updated 2023) - Texas Deafblind Outreach

2024 Guidelines and Standards for Educating Students with Visual Impairments in Texas - Texas School for the Blind and Visually Impaired

Interveners for Students with Deafblindness in Texas – Texas School for the Blind and Visually Impaired

Deafblind - SPEDTEX

Citations

Board Policy EHBAA; Board Policy EHBAB; Board Policy EHBAC; Board Policy EHBH; 34 CFR 300.8(c)(2), 300.304(c)(4); Texas Education Code 29.310(c); 19 TAC 89.1040(b)–(c); 89.1050(a)–(c)

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

DEAF OR HARD OF HEARING

What is Required

A student must be assessed under the IDEA in all areas of suspected disability. Deaf or Hard of Hearing or “DHH” is one of the areas of eligible disabilities under the IDEA.

A student who is deaf or hard of hearing (DHH) is one who has been determined to meet the criteria for deafness or who have a hearing impairment under the IDEA. Deafness means a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without hearing assistive technology, that adversely affects the student's educational performance. Hearing impairment means an impairment in hearing, whether permanent or fluctuating, that adversely affects the student's educational performance but that is not included under the definition of deafness.

To assess for DHH, the District or Campus Assessment Personnel will comply with the general evaluation procedures. *See* [EVALUATION PROCEDURES]. In addition, the procedures and materials used for the assessment and placement of the student who is deaf or hard of hearing must be in the student’s preferred mode of communication. In addition, in recognizing the need for development of language and communication abilities in students who are deaf or hard of hearing but also calling for the use of methods of communication that will meet the needs of each individual student, each student who is deaf or hard of hearing must be thoroughly assessed to ascertain the student’s potential for communicating through a variety of means.

The evaluation data must also include:

- An audiological evaluation performed by a licensed audiologist;
- A communication assessment completed by the multidisciplinary team;
- A description of the implications of the hearing loss for the student's hearing in a variety of circumstances with or without recommended hearing assistive technology; and
- An assessment of the student’s potential for communications through a variety of means, including:
  - Oral (spoken) and aural (hearing);
  - Fingerspelling; or
  - Sign language.

A child under three years of age meets the criteria for deaf or hard of hearing if the student’s record indicated that the child is experiencing a developmental delay because of hearing loss or impairment, or the child has a physical or mental condition that has a high probability of resulting in a developmental delay and a sensory impairment, in

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

accordance with 34 CFR 303.21. For a student from birth through two years of age who meets the criteria for deafness or for hearing impairment under the IDEA, an IFSP meeting must be held in place of an ARD Committee meeting and the district must comply with the evaluation procedures for students ages 0-5. *See* [AGES 0-5]. If the student's IFSP indicates that the child is experiencing a developmental delay because of hearing loss or impairment, or the child has a physical or mental condition that has a high probability of resulting in a developmental delay and sensory impairment, the student shall meet criteria for DHH.

Additional Procedures

The terms "auditory impairment," "hearing impairment," and "deaf or hard of hearing" are all terms referred to in Texas law and have the same meaning while federal law generally uses the term "deafness" and "hearing impairment." However, the Texas legislature in 2019 passed a law directing the legislature and the Texas Legislative Council to avoid using in any new statute or resolution the terms "hearing impairment," "auditory impairment," and "speech impaired" in reference to a deaf or hard of hearing person, and to replace those phrases with "deaf" or "hard of hearing." District Personnel should attempt to use the terms "deaf" or "hard of hearing."

When evaluating a student to determine if the student is DHH, District or Campus Assessment Personnel will follow the procedures set out in state and federal law. *See* [EVALUATION PROCEDURES]. District or Campus Assessment Personnel will also ensure that all assessment information is summarized in the appropriate sections of the FIE, and that the audiologist's signature is on the audiological report.

When conducting the communication part of the assessment, District or Campus Assessment Personnel may:

- Review the audiological evaluation of the student and consider
  - at what age the student was identified as having a hearing loss,
  - what type of hearing loss the student has,
  - what is the student's aided hearing, including speech recognition and discrimination,
  - whether the student uses hearing assistive technology and whether the hearing assistive technology is consistently worn, and
  - other relevant and current information from the student's ENT if provided by the parent.

- Ensure collaboration among the evaluation professionals to determine what areas will be addressed and by whom

- Review a communication evaluation report provided by a speech-language

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

pathologist, a person certified in deaf education, or another qualified individual that assesses the student's ability to use a variety of methods of communication such as sign language, speech, speech reading, or fingerspelling

- Assess the student's functional listening skills, with or without recommended hearing assistive technology, including
  - how the student uses his/her hearing in different settings,
  - student's hearing fluctuation,
  - student's ability to generalize previously taught auditory skills, and
  - skills that need to be taught or reviewed

- Assess speech reading and determine whether it is functional and ensure that the means of communication the student commonly uses is incorporated into the assessment

- Assess intelligibility across a variety of people and consider motor dexterity for signing

- Collect video or audio recordings of the student to evaluate the student's language and communication skills, including, if applicable, the student's use of an interpreter

- Collect parent information, including the primary language used in the home and the skill and consistency of family communication with student

- Determine the student's primary/preferred mode of communication and ensure the procedures and materials used for assessing and placing the student are in the student's preferred mode of communication

- Consider the student's language and communication needs, opportunities for direct communication with peers and professional personnel in the student's preferred communication mode, and student's academic level

- Write the communication section of the evaluation report; ensuring that the assessment professionals know where to include the specific information in the FIE. If a "Part C" form is utilized as part of the evaluation, ensure that key points are highlighted on the form but that the form by itself does not constitute the assessment of the student's language and communication. All members of the assessment team should receive a copy of the form.

If the parent does not provide to the district an examination report by a licensed audiologist that provides the required evaluation data, the district is responsible for obtaining such information at no expense to the parent. The District or Campus

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

Assessment Personnel should first request this report from the parent and request that the parent sign and return a Consent to Release Confidential Information form so that the District Assessment Personnel can contact the student's medical provider for information and/or questions regarding the reports. *See* [CONSENT FOR DISCLOSURE OF CONFIDENTIAL INFORMATION]. In addition, with the consent of the parent, the District or Campus Assessment Personnel should consult with the licensed audiologist to obtain additional information if necessary for the assessment.

If the parent refuses, or does not have a current report, and/or is not responsive to the request, the District or Campus Assessment Personnel should contact the Special Education Director or designee for assistance in setting up the appropriate examination. This may be accomplished by contracting with a licensed audiologist, asking the parent to obtain the report, and reimbursing the parent, or any other appropriate method to obtain the evaluation data at the district's discretion. A hearing screening conducted by a school nurse is not sufficient. If a licensed audiologist is not reasonably available, this information and the efforts the District or Campus Assessment Personnel took to find a licensed audiologist should be noted in the report.

An ARD Committee meeting (or IFSP Team if the student is 0-2) will review the completed evaluation and a communication assessment completed by the multidisciplinary team and determine whether the student is a student with a disability and the services the student needs. Within the evaluation, the multidisciplinary team will describe how the student's hearing loss impacts the student in various circumstances both with (if required) and without hearing assistive technology. *See* [SPECIAL FACTORS – Deaf or Hard of Hearing] and [ADMISSION, REVIEW, AND DISMISSAL COMMITTEE MEETING].

If the student does not meet the eligibility criteria for DHH, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or District Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

District or Campus Assessment Personnel will comply with the evaluation procedures for students ages 0-5 for a student from birth through two years of age being evaluated for eligibility under DHH. *See* [AGES 0-5]. If the student's IFSP indicates that the child is experiencing a developmental delay because of hearing loss or impairment, or the child has a physical or mental condition that has a high probability of resulting in a developmental delay and sensory impairment, the evaluation will indicate that the student meets criteria for DHH.

Upon completion of the DHH evaluation, each member of the evaluation team should sign the FIE. If the student is eligible for special education as a student who is Deaf of Hard of Hearing, a Disability Report in this area will be completed.

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

The district will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. *See* [EVALUATION PROCEDURES].

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

Evidence of Implementation

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- Consent to Release Confidential Information
- Otological Examination
- Audiological Evaluation
- Communication Evaluation Report
- Medical Information Related to Hearing Loss
- FIE
- ARD/IEP or ISFP
- Disability Report: Deaf of Hard of Hearing
- Documentation for the state in TSDS, PEIMS, and SPP
- Training Documentation for Evaluation Staff

Resources

The Texas Legal Framework for the Child-Centered Special Education Process: Deaf or Hard of Hearing - Region 18

Registry of Interpreters for the Deaf

OSEP Letter to Blodgett (Nov. 12, 2014) - U.S. Department of Education

OSEP Letter to Anonymous (Nov. 28, 2007) - U.S. Department of Education

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

DOJ/OSERS/OCR Frequently Asked Questions on Effective Communication with Students with Hearing, Vision, or Speech Disabilities in Public Elementary and Secondary Schools (Nov. 12, 2014) - U.S. Department of Education

Deaf and Hard of Hearing - SPEDTEX

Citations

Board Policy EHBH; Board Policy EHBAC; Board Policy EHBAA; Board Policy EHBAB; 20 USC 1414(d)(3)(b)(IV); 34 CFR 300.8(c), 300.29(b), 300.324(a)(2)(IV); Texas Education Code 29.303, 29.310(c), 30.004, 30.057(a)(2); 19 TAC 89.1050(b)–(c); 89.1085, 89.1090

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

DEVELOPMENTAL DELAY

What is Required

Developmental Delay ("DD") 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.

To be eligible under DD, multiple sources of data must converge to indicate that the student has a developmental delay as described by one of the following:

(1) performance on appropriate norm-referenced measures, including developmental measures, indicate that the student is at least 2 standard deviations below the mean or at the 2nd percentile of performance, when taking into account the standard error of measurement (SEM), in one area of development (physical, cognitive, communication, social/emotional, or adaptive), along with additional convergent evidence such as interviews and observation data that supports the delay in that area;

(2) performance on appropriate norm-referenced measures, including developmental measures, indicate that the student is at least 1.5 standard deviations below the mean or at the 7th percentile of performance, when taking into account the SEM, in at least two areas of development (physical, cognitive, communication, social/emotional, or adaptive), along with additional convergent evidence such as interviews and observation data that supports the delays in those areas; or

(3) a body of evidence from multiple direct and indirect sources, such as play-based assessments, information from the student's parent, interviews, observations, work samples, checklists, and other informal and formal measures of development, that clearly document a history and pattern of atypical development that is significantly impeding the student's performance and progress across settings when compared to age-appropriate expectations and developmental milestones in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development.

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

No school district will be required to use the eligibility category of Developmental Delay; however, if a district chooses to use this eligibility category, it must use the definition and criteria described above.

Prior to the 2025-2026 school year, school districts were allowed to also identify young students as Noncategorical Early Childhood (NCEC). A student between the ages of 3 to 5 years of age who were evaluated as having an intellectual disability (ID), an emotional disability (ED), a specific learning disability (SLD), or autism (AU) could be described as NCEC. However, NCEC must no longer by used by any school district beginning with the 2025-2026 school year. But, any eligible student who begins the 2025-2026 school year already identified as NCEC may maintain this eligibility category, if determined appropriate by the student's ARD committee, until the required re-evaluation before the age of six. Specifically, before the student turns 6, the ARD Committee will need to conduct a REED and formal evaluation, if necessary, and an ARD Committee meeting must be held to determine if the student is eligible under one of the 12 IDEA disability categories or Developmental Delay and is still in need of special education and related services.

Additional Procedures

A student may 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 disabilities 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. In conducting the evaluation, the District or Campus Assessment Personnel must ensure that the child is assessed in all areas related to the suspected disability. If a disability condition is suspected but not clearly confirmed this should be noted in the evaluation report.

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.

"Through age nine" indicates that any eligible student identified as having DD may maintain this eligibility, if determined appropriate by the student's ARD Committee, until the required re-evaluation before the age of 10.

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

Evidence of Implementation

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- FIE
- Disability Report - DD
- ARD/IEP
- Documentation for the state in TSDS, PEIMS, and SPP
- Training Documentation for Evaluation Staff

Resources

The Texas Legal Framework for the Child-Centered Special Education Process: Noncategorical Early Childhood Framework - Region 18

TEA Developmental Delay Quick Guide and Frequently Asked Questions

Developmental Delay - Partners Resource Network

Citations

34 CFR 300.30(c)(4); 19 TAC 89.1040(b), 89.1050(c)

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

EMOTIONAL DISABILITY

What is Required

A student must be assessed under the IDEA in all areas of suspected disability. Emotional Disability or “ED” is one of the areas of eligible disabilities under the IDEA.

Emotional Disability means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a student's educational performance:

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

A student need not meet all of these five criteria to be eligible for special education and related services under the IDEA. The student need only exhibit one of the five criteria of the definition of an emotional disability. ED includes schizophrenia. However, ED does not apply to a student who is socially maladjusted, unless the student also meets the criteria for having an emotional disability. The term “emotional disability” is synonymous with the term “emotional disturbance” and “serious emotional disturbance,” as these terms are used in federal or state law pertaining to students eligible for special education and related services.

The district will comply with all requirements set out in state and federal law when conducting an evaluation to determine if a student meets eligibility for an emotional disability. *See* [EVALUATION PROCEDURES]. In addition, the written report of evaluation by the group of qualified professionals (the District and Campus Assessment Personnel) must include specific recommendations for behavioral supports and interventions. The assessment of emotional or behavioral disability, for educational purposes, using psychological techniques and procedures is considered the practice of psychology. A person commits an offense if the person engages in the practice of psychology or represents that the person is a psychologist in violation of the Texas Occupations Code.

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

Additional Procedures

A referral for an evaluation to determine if a student meets the eligibility criteria as a student with an emotional disability may be indicated when the district and/or the parent of a student suspects the behavioral characteristics of a student have been significant over time and adversely affect educational performance. Campus or District Assessment Personnel utilize standard evaluation procedures in accordance with the law when planning an initial evaluation and a reevaluation for ED. *See* [EVALUATION PROCEDURES].

Before referring a student for an ED evaluation, the Campus Special Education Personnel or ARD Committee may consider the following, if appropriate:

- Would consultation with the School Psychologist or other professionals potentially be effective in addressing the problem?
- Would a Behavior Intervention Plan (BIP) or other behavior interventions address the concern?
- Would other District resources effectively improve classroom performance or address the behaviors of concern?
- What measures have been tried for a sufficient period of time, in a consistent manner, and what has been the impact on behavior?

Has the District's general education Positive Behavior Interventions and Supports (PBIS) been tried and what were the results of these interventions? *See* [CHILD FIND – REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES].

A psychological evaluation is normally part of an ED assessment. As such, for any psychological evaluation, if an assessment is recommended, and upon parent request, the Special Education Assessment Personnel conducting the psychological assessment must provide the name and type of test to the parent and how the assessment will be used to develop an appropriate IEP.

In conducting the ED evaluation, information regarding the student's behavior across various environments will be collected. Campus or District Assessment Personnel will consider the presence of any cultural and/or linguistic differences when evaluating a student for ED and whether the differences may impact the evaluation results. The written report of evaluation should also include:

- The type and severity of the emotional disability;
- The functional implications of the disability for situations involving instruction; and
- The degree to which in-school and out-of-school behavior reflects symptoms consistent with the diagnosis and identification of behavior considered to be a direct result of the emotional disability.

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

Disabilities

Within the evaluation, the behaviors that significantly interfere with the learning or educational progress of the student or that of others must also be identified. Therefore, the evaluation report will frequently include a Functional Behavioral Assessment (FBA). An FBA is a systematic process for describing problem behavior and identifying the environmental factors and surrounding events associated with the problem behavior. The scope and nature of the FBA will depend on the nature and severity of the student's behaviors. The District or Campus Assessment Personnel will observe the student in various school settings and collect input from staff and members of the ARD Committee, including the parent. The District or Campus Assessment Personnel will consider the data, including interviews conducted with the student and/or parents that provide information about how the student's environment contributes to positive and problem behaviors, including the antecedents to the behavior. This information will be used to develop a hypothesis about why problem behaviors occur (the function of the behaviors) and will identify replacement behaviors that can be taught and that serve the same purpose for the student.

An FBA is generally understood to be an individualized evaluation of a student to assist in determining eligibility and/or the nature and extent of the special education and related services that the student needs, including the need for a Behavior Intervention Plan (BIP). As such, in most cases, parental consent is required for an FBA. *See* [EVALUATION PROCEDURES], [CONSENT FOR INITIAL EVALUATION] and [CONSENT FOR REEVALUATION]. The FBA will provide the ARD Committee with information regarding the function of the student's behavior, factors that may trigger certain behavior, and interventions identified to decrease negative behaviors and increase appropriate behaviors. The ARD Committee will review this information when developing a BIP and or behavior goals or accommodations for the student.

In addition, if counseling as a related service is recommended to address any of the targeted behaviors, a counseling evaluation will be included in the FIE. IDEA defines counseling as services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel. A counseling evaluation should assess the social, emotional, and behavioral problems that are interfering with the student's ability to benefit from education.

A School Psychologist is responsible for conducting the psychological evaluation. The resulting report should present a coherent rationale to either support or negate a recommendation for special education eligibility as a student with an emotional disability and rule out alternative educational disorders and environmental explanations for the student's observed behavioral and/or academic difficulties. For students who are also suspected to be eligible as a student with autism, the report must include a rationale and explanation as to whether the student's educational performance is adversely affected primarily because the student has an emotional disability, which would rule out eligibility for AU. The report should include recommendations to the ARD Committee regarding

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

eligibility, and, if appropriate, instructional, behavioral, and environmental recommendations for services and supports.

When Campus or District Assessment Personnel complete the evaluation, an ARD Committee meeting, which must include appropriately-qualified Assessment Personnel who can interpret the results, will be held to review the evaluation. Based on the results of the evaluation, the ARD Committee will determine whether the student meets one or more of the five specific characteristics listed above, and whether the student requires special education supports and related services.

Upon completion of the ED evaluation, each member of the evaluation team shall sign the FIE. If the student is eligible for special education as a student with an Emotional Disability, a Disability Report in this area will be completed. The diagnosis of a mental health condition alone does not determine eligibility for special education services as a student with an emotional disability. Additionally, mood, behavior, or academic problems related solely to drug abuse do not qualify a student as a student with an emotional disability. If the student does not meet the eligibility criteria for ED, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or District Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

Should the ARD Committee determine, upon review of the FIE and, where applicable, FBA, that a Behavior Intervention Plan ("BIP") is necessary to address behaviors for a student with ED, the ARD Committee will develop a BIP or revise a current BIP to reflect the student's current behavior needs. A BIP is a written plan developed as part of the IEP to address behavioral concerns affecting the student's educational progress. A BIP is based on the problem behaviors identified in the FIE, identifies events that predict these behaviors, and includes positive interventions to change behaviors and methods of evaluation. If the ARD Committee develops a BIP, a copy of the BIP will be provided to each of the student's teachers. The purpose of a BIP is to redirect the student's targeted behaviors to ensure the student can make appropriate progress in light of the student's unique circumstances. Students with ED typically require a BIP to appropriately address behaviors and provide FAPE.

The district will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. *See* [EVALUATION PROCEDURES].

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

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

Evidence of Implementation

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- Notification of Psychological Tests to Parent
- Functional Behavioral Assessment
- FIE
- BIP
- Disability Report: Emotional Disability
- ARD/IEP
- Documentation for the state in TSDS, PEIMS, and SPP
- Training Documentation for Evaluation Staff

Resources

The Texas Legal Framework for the Child-Centered Special Education Process: Emotional Disability Framework - Region 18

OSEP Letter to Anonymous (Nov. 28, 2007) - U.S. Department of Education

OSEP Letter to Delisle (Dec. 20, 2013) - U.S. Department of Education

OSEP Memorandum 15-08 to State Directors of Special Education (April 17, 2015) - U.S. Department of Education

Citations

34 CFR 300.8(c)(4), 300.111(a)(1)(i), 300.304(c)(4); 19 TAC 89.1040(b)–(c), 89.1050(a)(5); 22 TAC 465.38(b)(2); Texas Occupations Code 501.503

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

INTELLECTUAL DISABILITY

What is Required

A student must be assessed under the IDEA in all areas of suspected disability. Intellectual Disability or "ID" is one of the areas of eligible disabilities under the IDEA.

A student with an intellectual disability is one who has been determined to meet the criteria for an intellectual disability. In meeting the criteria, a student with an intellectual disability is one who:

- Has been determined to have significantly subaverage intellectual functioning as measured by a standardized, individually administered test of cognitive ability in which the overall test score is at least two standard deviations below the mean, taking into consideration the standard error of measurement of the test;
- Concurrently exhibits deficits in at least two of the following areas of adaptive behavior:
    - Communication,
    - Self-care,
    - Home living,
    - Social and interpersonal skills,
    - Use of community resources,
    - Self-direction,
    - Functional academic skills,
    - Work,
    - Leisure,
    - Health, or
    - Safety;
- Is manifested during the developmental period; and
- Adversely affects the student's educational performance.

To assess for ID, the District or Campus Assessment Personnel will comply with the general evaluation procedures. *See* [EVALUATION PROCEDURES]. In addition, the evaluation data reviewed by the qualified District or Campus Assessment Personnel must include:

- A standardized individually administered test of cognitive ability; and
- Adaptive behavior assessment in at least two of the following areas: communication, self-care, home living, social/interpersonal skills, use of community resources, self-direction, functional academic skills, work, leisure, health, or safety.

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

Additional Procedures

A referral for an intellectual disability evaluation may be indicated when the Campus Personnel and/or the parent of the student suspects the student is exhibiting significant intellectual and adaptive deficits that adversely affect educational performance. A student suspected of ID may exhibit one or more of the following:

- Difficulties in communicating efficiently and effectively that effect self-determination, behavior, social interactions, and participation in multiple learning environments
- Alternate methods of demonstrating his/her abilities and knowledge
- Uneven learning patterns in all domains including cognition, communication, socialization, and self-help.
- Multiple disabling conditions that may occur concurrently with an intellectual disability, including physical or orthopedic impairments, and/or sensory impairments/challenges
- Medical needs that impact health, stamina, and engagement in learning tasks
- Difficulty learning new tasks, maintaining new skills, and generalizing skills to new environments
- Difficulty demonstrating problem solving skills when new skills or information are presented in a traditional academic curriculum
- Individualized methods of accessing information and demonstrating knowledge in alternative ways (tactile, visual, auditory, and multi-sensory).

During the evaluation process, Campus or District Assessment Personnel will consider the presence of any cultural and/or linguistic differences when evaluating a student for ID and whether the differences may impact the evaluation results.

To avoid over identifying students, District or Campus Assessment Personnel will exercise caution in making an intellectual disability determination. The determination of an intellectual disability must be made with consideration of professional judgment and multiple information/data sources. Examples of information/data sources include statewide assessment results, RtI progress monitoring data and anecdotal reports, in addition to formal evaluation test scores, such as intellectual quotient or IQ, adaptive behavior, achievement, and/or cognitive function/processing.

Upon completion of the ID evaluation, each member of the evaluation team should sign the FIE. If the student is eligible for special education as a student with an Intellectual Disability, a Disability Report in this area will be completed.

If the student does not meet the eligibility criteria for ID, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or District Personnel

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

The district will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. *See* [EVALUATION PROCEDURES]. In most circumstances, Campus or District Assessment Personnel should complete two or more comprehensive evaluations determining a student to be eligible for special education services as a student with ID before allowing a Review of Existing Educational Data ("REED") to reevaluate a student with ID. Doing so helps avoid overidentifying students as ID and helps support the validity of the prior evaluation results. The district will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

Evidence of Implementation

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- FIE
- Disability Report: Intellectual Disability
- ARD/IEP
- Documentation for the state in TSDS, PEIMS, and SPP
- Training Documentation for Evaluation Staff

Resources

The Texas Legal Framework for the Child-Centered Special Education Process: Intellectual Disability Framework - Region 18

Intellectual Disability - SPEDTEX

Citations

20 USC 1401, 1414; 34 CFR 300.8(c), 300.304(c)(4); 19 TAC 89.1040(b)–(c), 89.1050(a)(5)

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

MULTIPLE DISABILITIES

What is Required

A student must be assessed in all areas of suspected disability. A student may be identified under the IDEA as a student with multiple disabilities. In meeting the criteria for multiple disabilities, a student with multiple disabilities is one who has a combination of impairments that causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments occurring at the same time, and who meets all of the following conditions:

- The disabilities are expected to continue indefinitely; and
- The disabilities severely impair the student's performance in two or more of the following areas:
    - Psychomotor skills;
    - Self-care skills;
    - Communication;
    - Social and emotional development; or
    - Cognition.
- Multiple disabilities does not include deaf-blindness. *See* [DEAF-BLINDNESS].

A student who has more than one disability, but who does not meet the criteria above must not be classified or reported as having multiple disabilities.

The District or Campus Assessment Personnel will comply with all requirements set out in state and federal law when conducting an evaluation to determine if a student meets eligibility criteria for multiple disabilities. *See* [EVALUATION PROCEDURES]. In addition, the group of qualified professionals that collects or reviews evaluation data in connection with the determination of the student's disability based on multiple disabilities impairment must include the members required in two or more of the applicable specific eligibility evaluation procedures. *See* [EVALUATION].

Additional Procedures

In determining if a student qualifies as a student with multiple disabilities, it is important to know which individual disabilities are involved, how severe each disability is, and how each disability can affect learning and daily living. The District or Campus Assessment Personnel will also consider how the combination of disabilities affects the student's learning and functioning. A key part to the eligibility criteria for multiple disabilities is that the *combination of disabilities* causes the student to have severe educational needs. A referral for a multiple disability evaluation may be indicated when the Campus Personnel and/or the parent of the student suspects the student is exhibiting characteristics of more

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

than one disability, the combination of which severely affects the student's educational performance.

To determine eligibility as a student with Multiple Disabilities, District or Campus Assessment Personnel will assess the student in all areas of suspected disability using a variety of appropriate assessment tools and strategies to develop a holistic view of the student and identify whether the severity of their educational needs indicates they cannot be accommodated in a special education program solely for one of the impairments occurring at the same time. The District or Campus Assessment Personnel must also determine that each of the student's disabilities are expected to continue indefinitely. Finally, the evaluation must assess and describe how the student's disabilities impair the student's psychomotor skills, self-care skills, communication, social and emotional development, and cognition, including the severity of the impairment in each of these areas.:

Upon determination of the student's eligibility in the area of Multiple Disabilities, each member of the evaluation team shall sign the FIE. If the student is eligible for special education as a student with Multiple Disabilities, a Disability Report in this area will be completed.

If the student does not meet the eligibility criteria for multiple disabilities, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or District Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

The district will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. *See* [EVALUATION PROCEDURES].

The district will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). In regard to MD, the Special Education Administrator shall ensure that the correct coding is verified for TSDS/PEIMS for all students identified with Multiple Disabilities. District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

Evidence of Implementation

- Notice of Evaluation
- Consent for Evaluation
- Referral Information

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

- Assessment Plan
- FIE
- Disability Report: Multiple Disabilities
- ARD/IEP
- Documentation for the state in TSDS, PEIMS, and SPP
- Training Documentation for Evaluation Staff

Resources

The Texas Legal Framework for the Child-Centered Special Education Process: Multiple Disabilities Framework - Region 18

Multiple Disabilities - SPEDTEX

Citations

34 CFR Part 300.8(c), 300.304(c)(4); 19 TAC. 89.1040(b)–(c), 89.1050

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

ORTHOPEDIC IMPAIRMENT

What Is Required

A student must be assessed under the IDEA in all areas of suspected disability. Orthopedic Impairment or "OI" is one of the areas of eligible disabilities under the IDEA.

A student with an orthopedic impairment is one who has been determined to meet the criteria for orthopedic impairment. Orthopedic impairment means a severe orthopedic impairment that adversely affects the student's educational performance. OI includes impairments caused by congenital anomaly; disease, such as poliomyelitis, bone tuberculosis; and other causes, such as cerebral palsy, amputations, and fractures or burns that cause contractures.

To assess for OI, the District or Campus Assessment Personnel will comply with the general evaluation procedures. *See* [EVALUATION PROCEDURES]. In addition, a student's eligibility for an orthopedic impairment must include a medical diagnosis provided by a licensed physician.

Additional Procedures

If the District and/or the student's parent suspect the student is exhibiting physical deficits characteristic of orthopedic impairment that adversely affects the student's educational performance, the student may be referred for an orthopedic impairment evaluation.

District or Campus Assessment Personnel will comply with the procedures set out in state and federal law. *See* [EVALUATION PROCEDURES]. They will also obtain and review required information from a licensed physician regarding the student's medical diagnosis by requesting that the student's physician complete the OI form and request that the parent sign and return the Consent to Release Confidential Information form so that the District Assessment Personnel can contact the student's medical provider for information and/or questions regarding the information provided. *See* [CONSENT FOR DISCLOSURE OF CONFIDENTIAL INFORMATION].

If the parent does not provide information from the student's licensed physician or a licensed medical doctor, the district is responsible for obtaining such information at no expense to the parent. The District or Campus Assessment Personnel should first request this information from the student's own doctor, but if the parent refuses, or does not have a current doctor, and/or is not responsive to the request, the District or Campus Assessment Personnel should contact the Special Education Director or designee for assistance in getting the appropriate input from a licensed physician. This may be accomplished by the district contracting with a licensed medical doctor, asking the parent

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

to obtain the report, and reimbursing the parent, or any other appropriate method to obtain the evaluation data at the district's expense.

Upon completion of the OI evaluation, each member of the evaluation team should sign the FIE. If the student is eligible for special education as a student with an Orthopedic Impairment, a Disability Report in this area will be completed. If the student does not meet the eligibility criteria for orthopedic impairment, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or District Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

The district will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. *See* [EVALUATION PROCEDURES].

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

Evidence of Implementation

- Notice and Consent for Evaluation
- Referral Information
- Assessment Plan
- Consent to Release Confidential Information
- ARD/IEP
- FIE
- Orthopedic Impairment Form and/or Physician Information
- Disability Report: Orthopedic Impairment
- Documentation from Licensed Physician
- Orthopedic Impairment Evaluation
- Documentation for the state in TSDS, PEIMS, and SPP
- Training Documentation for Evaluation Staff

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

Resources

The Texas Legal Framework for the Child-Centered Special Education Process: Orthopedic Impairment - Region 18

Orthopedic Impairments - Project IDEAL

Orthopedic Impairment - SPEDTEX

Citations

Board Policy EHBAA; Board Policy EHBAB; 34 CFR 300.8(c)(8), 300.304(c)(4); 19 TAC 89.1040(b)–(c)

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

OTHER HEALTH IMPAIRMENT

What is Required

The student must be assessed under the IDEA in all areas of suspected disability. Other Health Impairment or "OHI" is one of the areas of eligible disabilities under the IDEA.

A student with Other Health Impairment (OHI) is one who has been determined to meet the criteria for OHI due to chronic or acute health problems. OHI means having limited strength, vitality, or alertness that adversely affects a student's educational performance. The term "limited alertness" includes a heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment. Health problems include, but are not limited to: asthma, attention deficit disorder (ADD) or attention deficit hyperactivity disorder (ADHD), diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette's Disorder.

To assess for OHI, the District or Campus Assessment Personnel will comply with the general evaluation procedures. *See* [EVALUATION PROCEDURES]. In addition, a student's eligibility for other health impairment must include identification or confirmation of the student's chronic or acute health problem provided by a licensed physician, a physician assistant, or an advanced practice registered nurse with authority delegated under Texas Occupations Code, Chapter 157.

Additional Procedures

A referral for an OHI evaluation may be indicated when the district and/or the parent of the student suspect the student is exhibiting health problems characteristic of an OHI that adversely affects the student's educational performance.

The evaluation will include information about how the health condition affects the student's educational performance. An OHI form or some other documentation completed by a licensed physician, a physician assistant, or an advanced practice registered nurse with authority delegated under Texas Occupations Code, Chapter 157, that identifies or confirms the student's chronic or acute health problem is required before an ARD Committee can determine that a student is eligible as a student with OHI. If the student has a medical provider, the Campus or District Assessment Personnel may request that the student's authorized medical provider complete the OHI form and/or confirm the student's chronic or acute health problem. The Campus or District Assessment Personnel must request that the parent sign a Consent for Release of Information so that the Assessment Personnel may communicate with the student's authorized medical provider to complete the OHI form or confirmation and provide any clarifying information to the

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

ARD Committee. *See* [CONSENT FOR DISCLOSURE OF CONFIDENTIAL INFORMATION] If the parent refuses to sign the release and/or the student does not have a regular medical provider, the District or Campus Assessment Personnel must arrange for the student to be evaluated by a District-provided authorized medical provider.

The list of health conditions listed above is not an exhaustive list. A diagnosis of a medical or health condition alone does not determine eligibility for special education services. Not every student with a medical or health condition will meet the eligibility criteria as a student under the OHI category. The medical or health condition must adversely affect the student's educational performance, and, by reason of the health condition, the student needs special education (specially designed instruction to meet the unique needs of the student) or related services.

The members of the evaluation team for an OHI evaluation include, at a minimum, the School Nurse or other District professionals that can explain the educational implications of the health problem. Should the student have a suspected need for a related service(s), an evaluator in that area will also be a member of the evaluation team. However, it is critical that all evaluators understand the different diagnoses of health problems that may constitute Other Health Impairments and how they manifest in the school setting to ensure a valid evaluation. If a student has been identified with ADHD or other emotional or behavioral medical diagnoses as the health problem, a Licensed Specialist in School Psychology and/or other qualified personnel should also be included as part of the multidisciplinary team to assess the educational implications and/or social, emotional, or behavior supports needed for the student, based on the evaluation.

When District or Campus Assessment Personnel conduct a reevaluation of a student who has been identified as a student with OHI, an updated OHI form and/or confirmation should be obtained from the authorized medical provider, especially if the student's health problem has changed or has manifested itself in different ways. If the student continues to have a health condition, but it no longer affects the student's educational performance, the student will no longer qualify as a student with an OHI under the IDEA.

Upon completion of the OHI evaluation, each member of the evaluation team should sign the FIE. If the student is eligible for special education as a student with an Other Health Impairment, a Disability Report in this area will be completed. If the student does not meet the eligibility criteria for OHI, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or District Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

The district will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. *See* [EVALUATION PROCEDURES].

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

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

The district will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. *See* [EVALUATION PROCEDURES].

Evidence of Implementation

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- Consent to Release Confidential Information
- OHI Form and/or Physician Information
- FIE
- Disability Report: Other Health Impairment
- ARD/IEP
- Documentation for the state in TSDS, PEIMS, and SPP
- Training Documentation for Evaluation Staff

Resources

The Texas Legal Framework for the Child-Centered Special Education Process: Other Health Impairment - Region 18

OSEP Letter to Williams (May 14, 1994) - U.S. Department of Education

OSEP Letter to Anonymous (Jan. 13, 2010) - U.S. Department of Education

Other Health Impairment - SPEDTEX

Citations

34 CFR Part 300.8(c)(9), 300.304(c)(4); 19 TAC 89.1040(b)-(c), 89.1050(a)(5)

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

SPECIFIC LEARNING DISABILITY

What is Required

A student must be assessed under the IDEA in all areas of suspected disability. Specific Learning Disability or "SLD" is one of the areas of eligible disabilities under the IDEA.

SLD is a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. SLD includes conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. SLD does not include learning problems that are primarily the result of a visual, hearing, or motor disability; an intellectual disability; emotional disability; cultural factors; environmental or economic disadvantage; or being emergent bilingual.

Eligibility Criteria

A student with an SLD impairment is one who:

- has been determined through a variety of assessment tools and strategies to meet the criteria for SLD;

- when provided with learning experiences and instruction appropriate for the student's age or state-approved grade-level standards as indicated by performance on multiple measures such as in-class tests, grade average over time (e.g. six weeks or semester), repeated performance on progress monitoring measures, norm- or criterion-referenced tests, and statewide assessments, does not achieve adequately for the student's age or to meet state-approved grade-level standards in one or more of the following areas:
    - oral expression;
    - listening comprehension;
    - written expression, which may include dysgraphia;
    - basic reading skill, which may include dyslexia;
    - reading fluency skills, which may include dyslexia;
    - reading comprehension;
    - mathematics calculation; or
    - mathematics problem solving;

- meets one of the following criteria:
    - does not make sufficient progress to meet age or state-approved grade level standards in one or more of the areas identified above when using a

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

process based on the student's response to scientific, research-based intervention; or
exhibits a pattern of strengths and weaknesses in performance, achievement, or both relative to age, state-approved grade-level standards, or intellectual development that is determined to be relevant to the identification of a specific learning disability, using appropriate assessments, consistent with 34 CFR, §300.304 and §300.305

The presence of a significant variance among specific areas of cognitive function or between specific areas of cognitive function and academic achievement is not required for an SLD eligibility determination.

Evaluation

To assess for SLD, the District or Campus Assessment Personnel will comply with the general evaluation procedures. *See* [EVALUATION PROCEDURES]. In addition, the group of qualified professionals that collects or reviews evaluation data in connection with the determination of the student's disability based on an SLD will include the student's general education teacher, or if the student does not have a general education teacher, a general education classroom teacher qualified to teach children of this age—or if the student is less than school age, an individual qualified by the Texas Education Agency to teach children of this age. The group must also include at least one person qualified to conduct individual diagnostic examinations of children (i.e., a school psychologist, an educational diagnostician, a speech-language pathologist, or a remedial reading teacher).

When evaluating for suspected dyslexia or a related disorder, the multidisciplinary evaluation team must include at least one person with knowledge specific to the reading process, dyslexia and related disorders, and dyslexia instruction. To meet this requirement the person must either (1) hold a valid license as a dyslexia therapist under Chapter 403 of the Texas Occupations Code; (2) hold the most advanced dyslexia certification from an association recognized by the State Board of Education; or (3) if neither of the above is available, meet applicable State Board of Education training requirements. Upon completion of the evaluation, this team member must sign a document describing their participation in the evaluation. They must also participate and sign the signature page of the Admission, Review, and Dismissal Committee meeting(s) that is convened to determine eligibility for special education and related services. *See* [CHILD FIND - DYSLEXIA].

Determinant Factors

To ensure the student's underachievement is not due to lack of appropriate instruction in reading or math, as part the evaluation, the District or Campus Assessment Personnel will consider data that demonstrates the student was provided appropriate instruction in reading and/or math in the general education settings delivered by qualified personnel.

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

The District or Campus Assessment Personnel must also consider data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal evaluation of progress of the student during instruction, which was provided to the parent, as well as formal evaluation scores (IQ, achievement, cognitive functioning/processing, etc.). The data-based documentation may include, but is not limited to, response to intervention (RtI) progress monitoring results, in-class tests on grade-level curriculum, or other regularly administered assessments. Assessment is administered at reasonable intervals if administered consistent with the assessment requirements of the student's specific instructional program. District or Campus Assessment Personnel shall also consider the results of any dyslexia screenings provided to the student.

Observation

In determining whether a student has an SLD, District or Campus Assessment Personnel must either use information from an observation in routine classroom instruction and monitoring prior to the referral or have at least one member of the Assessment team conduct an observation of the student's academic performance in the general education classroom as part of the evaluation. For the student less than school age or out of school, District or Campus Assessment Personnel must observe the student in an environment appropriate for a student of that age.

The documentation of the determination of an SLD eligibility must contain a statement of the relevant behavior, if any, noted during the observation of the student, and the relationship of that behavior to the student's academic functioning.

Participation in the RtI Process/RtI Model

If the student suspected of having an SLD participated in a process that assesses the student's response to evidence-based intervention (RtI), the documentation of the determination of eligibility must contain a statement of:

- The instructional strategies used and the child-centered data collected; and
- The documentation that the parent of the student was notified about the state's policies regarding the amount and nature of performance data of the student that would be collected, and the general education services that would be provided; strategies for increasing the student's rate of learning; and the parent's right to request an evaluation.

The RtI model may be used to determine that a student meets eligibility criteria for SLD. When applying this model, a finding that the student is eligible under SLD must include a determination that the student did not make sufficient progress to meet age or state-

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

approved grade-level standards when provided RtI. Lack of sufficient progress is indicated by the student's performance relative to the performance of the student's peers on repeated, curriculum-based assessment of achievement at reasonable intervals, reflecting progress of the student during classroom instruction.

Pattern of Strengths and Weaknesses Model

The pattern of strengths and weaknesses model may also be used to determine that a student meets eligibility criteria for SLD. When applying the pattern of strengths and weaknesses model to find the student is eligible for an SLD, a determination must be made that the student exhibits a pattern of strengths and weaknesses in performance, achievement, or both. A determination must also be made that the pattern is relative to age, state-approved grade-level standards, or intellectual development. Finally, a determination must be made that the pattern is relevant to the identification of an SLD using appropriate assessments. However, this determination must not require a significant variance among specific areas of cognitive function or between specific areas of cognitive function and academic achievement when determining the presence of an SLD. During the evaluation process, District Assessment Personnel must provide to the parent data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal evaluation of student progress during instruction.

Exclusionary Factors

District or Campus Assessment Personnel must determine that its findings are not primarily the result of a visual, hearing, or motor disability; an intellectual disability; an emotional disability; cultural factors; environmental or economic disadvantage; or emergent bilingual. The documentation of an SLD eligibility must also explain the effects of any of these exclusionary factors on the student's achievement level. However, a student with one or more of these factors can still be considered as eligible under SLD as long as the student's characteristics of SLD are not primarily a result of these factors.

Additional Documentation of SLD

The documentation of the determination of eligibility must contain a statement of:

- Whether the student has an SLD;
- The basis for making the determination (must include an assurance that the determination was made in accordance with proper evaluation procedures); and
- The educationally relevant medical findings, if any.

Each member of the group of qualified professionals must certify in writing whether the report reflects the member's conclusion, and if not, a separate statement presenting the member's conclusion. *See* [EVALUATION PROCEDURES].

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

Evaluation of Specific Learning Disability – Dyslexia

For students suspected of having dyslexia or related disorders, the multidisciplinary team conducting the evaluation under the IDEA must include at least one member with specific knowledge regarding the reading process, dyslexia and related disorders, and dyslexia instruction. Additionally, this individual shall participate in any subsequent ARD Committee meeting convened to determine a student's eligibility for special education and related services. This individual must either (1) hold a valid dyslexia therapist license under Chapter 403 of the Texas Occupations Code or (2) hold the most advanced dyslexia-related certification issued by an association recognized by the State Board of Education, and identified in, or substantially similar to an association identified in, the program and rules adopted under Sections 7.102 and 38.003 of the Texas Education Code.

If an individual qualified under (1) or (2) is not available, the individual must meet the applicable training requirements adopted by the State Board of Education pursuant to Sections 7.102 and 38.003 of the Texas Education Code. The district will prioritize individuals who meet criteria (1) or (2) above. Individuals currently enrolled and participating in a credentialing program (listed in The Dyslexia Handbook) that will enable the individual to become a licensed dyslexia therapist or attain the most advanced dyslexia-related certification will be considered as meeting the criteria for (1) or (2) above. An individual serving under (3) above, within one calendar year from the date of being designated for this role, must register and complete the TEA's Texas Dyslexia Academies (TDAs); register and complete the TEA's Guidance for the Comprehensive Evaluation of a Specific Learning Disability training; and document that the member has training in current research and evidence-based assessments that are used to identify the most common characteristics of dyslexia. The member must complete updates to TEA trainings within one calendar year of the release date of revised trainings.

When determining whether a student has a specific learning disability based on dyslexia, District Assessment Personnel must utilize specific evaluation domains and questions outlined in the Dyslexia Handbook and follow procedures for conducting an FIE under the IDEA. No single instrument, score, or formula will automatically rule in or rule out dyslexia, and dyslexia identification is based on the preponderance of evidence. A student is not required to demonstrate a specific cognitive weakness on standardized assessments by achieving below a certain threshold to otherwise display a pattern of strengths and weakness relevant to the identification of dyslexia.

District Assessment Personnel should first determine whether a pattern of evidence reflects the primary characteristics of dyslexia, including reading words in isolation, decoding unfamiliar words accurately and automatically, reading fluency for connected text, and spelling (although difficulty in spelling along is not sufficient to identify dyslexia). District Assessment Personnel will consider the student's educational history, linguistic background, environmental or socioeconomic factors, attendance, lack of appropriate

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

instruction, and any other pertinent information, including a sensory impairment, that may impact the student's learning.

If the evaluation process indicates that the student has dyslexia or a related disorder, the student meets the first prong of eligibility under the IDEA, and the terms dyslexia and/or dysgraphia, as appropriate, must be used in the evaluation report. The presence of dyslexia alone is not sufficient to determine if the student is a student with a disability under the IDEA. The student must also demonstrate a need for specially designed instruction as a result of the disability.

Once the student is identified as a student with a specific learning disability based on dyslexia or a related disorder, the ARD Committee must determine the appropriate evidence-based reading program for the student and include this in the student's IEP.

Additional Procedures

A referral for a specific learning disability evaluation may be indicated when the Campus Personnel and/or parent of the student suspects that learning issues are a result of a deficit in the basic psychological processes that manifests itself in the imperfect ability to listen, think, speak, read, write, spell or to do mathematical calculations. *See* [REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES]. Common characteristics that may suggest SLD include academic challenges (particularly in reading, writing, and mathematics), difficulty paying attention, poor motor skills, processing deficits, oral language deficits, cognitive functioning deficits, and social skills deficits.

In determining the presence of a specific learning disability, District or Campus Assessment Personnel will consider and use data from campus-level interventions that are part of the RtI process, classroom observations conducted prior to the student's referral, if any, as well as any dyslexia screenings provided to the student. District or Campus Assessment Personnel will also use data from individually administered, formal intellectual and academic achievement tests to determine if a pattern of strengths and weaknesses exists. However, In addition, classroom observations may be conducted during the evaluation process, if needed. The data from these sources are combined with teacher information, parent information, grades, state assessment results, attendance, and educational history as a basis for the team's determination of the presence of an SLD. Should a student demonstrate reasonable progress in response to the RtI process, this should be considered prior to identifying that student with an SLD. Further, when determining the presence of an SLD, District or Campus Assessment Personnel may consider, but may not require. a significant variance among specific areas of cognitive function or between specific areas of cognitive function and academic achievement.

District or Campus Assessment Personnel may consider significant discrepancies between intellectual ability and achievement—but the discrepancy may not be the sole

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

factor – in determining whether the student has an SLD. Any consideration of a discrepancy should utilize a standard regression procedure and not a sole difference procedure.

In addition to the exclusionary factors above, Campus and District Assessment Personnel must also consider the appropriateness of instruction for a student who is homeschooled. Campus and District Assessment personnel should obtain information regarding the level of instruction and/or homeschooling program to confirm that the findings are not a result of homeschooling rather than traditional instruction.

A student's failure to pass the statewide assessment may not automatically result in a referral to determine if the student has an SLD and does not necessarily indicate that the student has an SLD. The determination of a learning disability will include a variety of information sources and measures, and the district will not base the determination on a single measure.

When evaluating a student identified as Emergent Bilingual for an SLD, District and Campus Assessment Personnel should use a cross-battery approach. Prior to the evaluation for an SLD, a language proficiency assessment will be completed to identify the student's dominant language. This will determine the language in which the student is evaluated for an SLD. The Assessment Personnel should consider that using a translator or interpreter to administer an evaluation for SLD may alter the validity of the results, and if used, should be used with caution.

Upon completion of the SLD evaluation, each member of the multi-disciplinary evaluation team shall sign the FIE. If the student is eligible for special education as a student with a Specific Learning Disability, a Disability Report in this area will be completed.

If the student does not meet the eligibility criteria for SLD, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or District Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

When reviewing an evaluation of SLD for a student transferring within the state or out of state, Campus and District Assessment Personnel should consider a variety of factors, including the prior evaluation(s), SLD criteria in the previous location, screening tools, the rigor of statewide assessments, academic standards, evaluation procedures and qualifications, effectiveness of interventions, etc. when determining whether to accept the SLD evaluation or conduct its own FIE to assess in the area of SLD. Should the District determine that an FIE is appropriate, it will seek to obtain consent from the parent and follow the district's evaluation procedures. *See* [EVALUATION PROCEDURES].

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

The district will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. *See* [EVALUATION PROCEDURES].

Evaluation of Specific Learning Disability Resulting from Dyslexia

Qualified District Assessment Personnel, including the individual with knowledge regarding the reading process, dyslexia or related disorders, and dyslexia instruction, will evaluate a student suspected of having dyslexia or a related disorder and requiring specialized instruction in accordance with the timelines and other requirements under the IDEA and state law. *See* [EVALUATION PROCEDURES]. If a student's dyslexia, dyscalculia, or dysgraphia is the condition that forms the basis for the determination that a student has a specific learning disability, District Assessment Personnel shall reference or use dyslexia, dyscalculia, or dysgraphia in the student's eligibility determination (i.e., "Specific Learning Disability – Dyslexia"). *See* [CHILD FIND - DYSLEXIA].

The student's ARD Committee, including the individual with knowledge regarding the reading process, dyslexia or related disorders, and dyslexia instruction, will address the unique educational needs of children with specific learning disabilities resulting from dyslexia, dyscalculia, and dysgraphia who require specialized instruction during ARD Committee meetings. Following the completion of the evaluation, the ARD Committee will convene to review the evaluation and develop an appropriate IEP for the student that will include an evidence-based dyslexia program provided by the District, unless the ARD Committee determines that another form of approved instruction is more appropriate to address the student's unique disability-related needs.

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

Evidence of Implementation

- RtI Progress Monitoring
- Documentation of Interventions
- Section 504 Documentation, if any
- Standardized Assessment Information
- Data of Appropriate Instruction Provided
- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

- Documentation of Observation(s)
- Input from General Education Teacher
- Documentation of Dyslexia Specialist's Participation in Evaluation and Admission, Review, and Dismissal Committee Meeting
- Eligibility Statement
- Disability Report: Specific Learning Disability
- FIE
- Documentation for the state in TSDS, PEIMS, and SPP
- Training Documentation for Evaluation Staff

Resources

The Texas Legal Framework for the Child-Centered Special Education Process: Specific Learning Disability Framework - Region 18

Guidance for the Comprehensive Evaluation of Specific Learning Disabilities – Texas SPED Support

Response to Intervention - Texas Education Agency

Learning Disabilities Association of America

National Center for Learning Disability

OSEP Letter to Massanari (Sept. 24, 2007) - U.S. Department of Education

OSEP Letter to Zirkel (Aug. 15, 2007) - U.S. Department of Education

OSERS Dear Colleague Letter (Oct. 23, 2015) - U.S. Department of Education

OSEP Letter to Unnerstall (Apr. 25, 2016) - U.S. Department of Education

OSEP Letter to Delisle (Dec. 20, 2013) - U.S. Department of Education

OSEP Letter to Zirkel (Mar. 6, 2007) – U.S. Department of Education

OSEP Letter to Zirkel (Apr. 8, 2008) - U.S. Department of Education

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

Citations

20 U.S.C. 1021, 7801(20); 34 CFR 300.8(c), 300.304(c), 300.308(a)-(b), 300.309(a)–(b), 300.310(a)-(c), 300.311(a); Tex. Educ. Code 7.102(c), 29.0031-29.0032, 19 TAC 89.1040(c)

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

SPEECH OR LANGUAGE IMPAIRMENT

What is Required

A student must be assessed under the IDEA in all areas of suspected disability. Speech Impairment or SI is one of the areas of eligible disabilities under the IDEA.

A student with a speech impairment is one who has been determined to meet the criteria for speech or language impairment. Speech or language impairment means a communication disorder or a voice impairment, that adversely affects a student's educational performance. The term communication disorder includes stuttering, impaired articulation, a language impairment, and a voice impairment.

To assess for SI, the District or Campus Assessment Personnel will comply with the general evaluation procedures. *See* [EVALUATION PROCEDURES]. The group of qualified professionals that collects or reviews evaluation data in connection with the determination of a student's eligibility based on a speech impairment must include a certified speech and hearing therapist, a certified speech and language therapist, or a licensed speech-language pathologist.

Additional Procedures

A referral for a speech or language impairment evaluation may be indicated when the district and/or the parent of the student suspects that learning issues are a result of a communication disorder or a voice impairment that adversely affects the student's educational performance. A student who has difficulty producing speech or understanding and communicating ideas may have a speech-language impairment.

In Texas, speech-language therapy is considered an instructional service. Thus, it can be a stand-alone service as well as a support provided for the student to receive benefit from other special education services.

A speech evaluation will usually include assessment to determine if the student has a communication disorder, a language disorder, an articulation disorder, a fluency disorder, and/or a voice disorder

Additionally, Campus or District Assessment Personnel will consider the presence of any cultural and/or linguistic differences when evaluating a student for autism and whether the differences may impact the evaluation results. When evaluating an Emergent Bilingual student, Campus and District Assessment Personnel must consider the English language proficiency of the student in determining appropriate assessments and other evaluation materials. The evaluation must be provided in the student's primary language, unless it

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

is clearly not feasible to do so, to ensure that the student's language needs can be distinguished from the student's disability-related needs. Campus and District Assessment Personnel shall be careful not to identify or determine that an Emergent Bilingual student is a student with a speech or language impairment because of limited English language proficiency. For example, when a student lacks verbal fluency (pauses, hesitates, omits words), it may be due to a lack of vocabulary, sentence structure, and/or self-confidence caused by the student's limited English language proficiency. It may also be caused, however, by a speech impairment.

Upon completion of the Speech and Language evaluation, each member of the evaluation team should sign the FIE. If the student is eligible for special education as a student with a Speech Impairment, a Disability Report in this area will be completed.

If the student does not meet the eligibility criteria for SI, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or District Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

The district will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. *See* [EVALUATION PROCEDURES].

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

Evidence of Implementation

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- FIE
- Disability Report: Speech Impairment
- ARD/IEP
- Referral Documentation
- Speech/Language Assessment
- TSHA Guidelines
- Documentation for the state in TSDS, PEIMS, and SPP

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

- Training Documentation for Evaluation Staff

Resources

The Texas Legal Framework for the Child-Centered Special Education Process: Speech or Language Impairment Framework - Region 18

Texas Speech Language Hearing Association Eligibility Guidelines for Speech Impairment 2020 - Region 13

Speech or Language Impairment - Center for Parent Information and Resources

Citations

34 CFR 300.8(c)(11), 300.304(c)(4); 19 TAC 89.1040(b)–(c), 89.1050(a)(5)

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

TRAUMATIC BRAIN INJURY

What is Required

A student must be assessed under the IDEA in all areas of suspected disability. Traumatic brain injury or "TBI" is one of the areas of eligible disabilities under the IDEA.

A student with traumatic brain injury (TBI) is one who has been determined to meet the criteria for traumatic brain injury. Traumatic brain injury means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment or both, and that adversely affects the student's educational performance.

TBI applies to open or closed head injuries resulting in impairments in one or more areas: cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech.

TBI does not apply to brain injuries that are congenital or degenerative or to brain injuries induced by birth trauma.

To assess for TBI, the District or Campus Assessment Personnel will comply with the general evaluation procedures. *See* [EVALUATION PROCEDURES]. In addition, a student's eligibility for a traumatic brain injury must include a medical diagnosis provided by a licensed physician.

Additional Procedures

Campus Personnel and/or a student's parent may refer the student for a traumatic brain injury evaluation when the Campus Personnel and/or parent suspects that functional and/or psychosocial deficits are the result of the student's acquired brain injury that adversely affects the student's educational performance.

In order to make a determination of eligibility based on TBI, the ARD Committee must receive a medical diagnosis from a licensed physician. If the student has a physician, the Campus or District Assessment Personnel may request that the student's physician provide the diagnosis regarding the student's brain injury. The Campus or District Assessment Personnel must request that the parent sign a Consent for Release of Information so that the Assessment Personnel may communicate with the student's physician to obtain this health information and/or provide any clarifying health information to the ARD Committee. If the parent refuses to sign the release and/or the student does

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

not have a regular physician, the District or Campus Assessment Personnel must arrange for the student to be evaluated by a District-provided physician.

After completion of the FIE, the District will convene an ARD Committee meeting to review the FIE. The ARD Committee must determine whether the student meets eligibility criteria for traumatic brain injury based on the results of student's evaluation, including the diagnosis from a physician.

Upon completion of the TBI evaluation, each member of the evaluation team should sign the FIE. If the student is eligible for special education as a student with a Traumatic Brain Injury, a Disability Report in this area will be completed.

If the student does not meet the eligibility criteria for TBI, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or District Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

The district will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. *See* [EVALUATION PROCEDURES].

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

Evidence of Implementation

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- Consent for Release of Information
- Physician Diagnostic Information Report
- FIE
- Disability Report: Traumatic Brain Injury
- ARD/IEP
- Documentation for the state in TSDS, PEIMS, and SPP
- Training Documentation for Evaluation Staff

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

Resources

The Texas Legal Framework for the Child-Centered Special Education Process: Traumatic Brain Injury - Region 18

Traumatic Brain Injury - Texas Education Agency

Understanding Traumatic Brain Injury – Texas Education Agency

OSEP Letter to Harrington (July 13, 1993) - U.S. Department of Education

Citations

Board Policy EHBAA; Board Policy EHBAB; 34 CFR 300.8(c)(12), 300.304(c)(4); 19 TAC 89.1040(b)–(c), 89.1050(a)(5)

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

VISUAL IMPAIRMENT

What is Required

Eligibility

A student must be assessed under the IDEA in all areas of suspected disability. Visual Impairment or "VI" is one of the areas of eligible disabilities under the IDEA.

A student with a visual impairment is one who meets the criteria for visual impairment. The term visual impairment, including blindness, means an impairment in vision that, even with correction, adversely affects the student's educational performance, and includes both partial sight and blindness.

To meet the criteria for visual impairment, a licensed ophthalmologist or optometrist must determine the student:

- Has no vision or has a serious visual loss after correction; or
- Has a progressive medical condition that will result in no vision or a serious visual loss after correction.

The student with a visual impairment is functionally blind if, based on the functional vision evaluation and the learning media assessment, the student will use tactual media, including braille, as a primary tool for learning to communicate in both reading and writing at the same level of proficiency as other students of comparable ability.

A child under three years of age meets the criteria for visual impairment if the child's record indicates that the child is experiencing a developmental delay because of vision loss or impairment, or the child has a physical or mental condition that has a high probability of resulting in a developmental delay and a sensory impairment, in accordance with 34 CFR 303.21.

Evaluation Procedures

To assess for VI, the District or Campus Assessment Personnel will comply with the general evaluation procedures. *See* [EVALUATION PROCEDURES]. An individual who is appropriately certified as an orientation and mobility specialist ("COMS") must participate in evaluating data used in making the determination of a student's eligibility as a student with visual impairment. Specifically, the evaluation data reviewed by District or Campus Assessment Personnel and COMS when determining whether a student has a visual impairment must include:

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

- A report by a licensed ophthalmologist or optometrist that:
  - states the student's visual loss in exact measures of visual field and corrected visual acuity at a distance and at close range in each eye; or
  - if exact measure cannot be obtained, provides best estimates of the student's visual loss; and
  - includes a prognosis when possible

- A functional vision evaluation by a certified teacher of students with visual impairments, or a COMS, that includes:
  - performance tasks in a variety of environments requiring the use of both near and distance vision, and
  - recommendations concerning the need for a clinical low vision evaluation;

- A learning media assessment by a certified teacher of students with visual impairments that includes recommendations regarding which specific visual, tactual, and/or auditory learning media are appropriate for the student, and whether there is a need for ongoing evaluation in this area; and

- An orientation and mobility evaluation performed by a COMS in a variety of lighting conditions and settings including in the student's home, school, and community and in settings unfamiliar to the student.

A student under 3 years of age may meet eligibility criteria under VI if the child's IFSP indicates that the child is experiencing a developmental delay because of vision loss or impairment, or the child has a physical or mental condition that has a high probability of resulting in a developmental delay and a sensory impairment.

Additional Procedures

When a referral for a student suspected of a visual impairment is first received, Campus or District Assessment Personnel should contact a professional certified in VI for assistance in determining the types, levels, and procedures for assessment of the student. Campus or District Assessment Personnel will also contact the parent to request an examination report by a licensed ophthalmologist or optometrist that provides the required evaluation date and request that the parent sign and return a Consent to Release Confidential Information form so that the Assessment Personnel may communicate with the student's ophthalmologist or optometrist to obtain this health information and/or provide any clarifying health information to the ARD Committee.

If the parent does not provide to the district an examination report by a licensed ophthalmologist or optometrist that provides the required evaluation data, the district will obtain such information at no expense to the parent. The District or Campus Assessment Personnel should first request this report from the parent. If the parent refuses, or does

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

not have a current report, and/or is not responsive to the request, the District or Campus Assessment Personnel should contact the Special Education Director or designee for assistance in setting up the appropriate examination. This may be accomplished by contracting with an ophthalmologist or optometrist, asking the parent to obtain the report, and reimbursing the parent, or any other an appropriate method to obtain the evaluation data at the district's discretion. A vision screening conducted by a school nurse is not sufficient.

The functional vision evaluation and the learning media assessment reports prepared as part of the student's FIE should typically be conducted and results shared prior to additional evaluation by the other qualified evaluation professionals, including school psychologists, educational diagnosticians, counselors, and related service professionals, to ensure that tools used and results accurately reflect the student's aptitude and not the impact of a visual impairment. The teacher of students with visual impairments and the certified orientation and mobility specialist are essential members of the team of qualified evaluation professionals when determining if a student meets the eligibility requirements as a student with a visual impairment.

The district will ensure that each student who is determined eligible for the district's special education program on the basis of a visual impairment receives evaluation and instruction in the expanded core curriculum (ECC). *See* [SPECIAL FACTORS]. Information relevant to the ECC may be included in the evaluation.

District or Campus Assessment Personnel, including an appropriately certified orientation and mobility specialist will determine the scope of any re-evaluation of a student who has been determined to be eligible for the district's special education program on the basis of a visual impairment after a full and individual evaluation.

Upon completion of the VI evaluation, each member of the evaluation team shall sign the FIE. If the student is eligible for special education as a student with a Visual Impairment, a Disability Report in this area will be completed.

District or Campus Assessment Personnel will comply with the evaluation procedures for students ages 0-5 for a student from birth through two years of age being evaluated for eligibility under VI. *See* [AGES 0-5]. If the student's IFSP indicates that the child is experiencing a developmental delay because of vision loss or impairment, or the child has a physical or mental condition that has a high probability of resulting in a developmental delay and a sensory impairment, Campus or District Assessment Personnel may identify a child under 3 years of age as meeting eligibility criteria under VI.

If the student does not meet the eligibility criteria for VI, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or District Personnel

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

The district will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. *See* [EVALUATION PROCEDURES].

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

Evidence of Implementation

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- Consent for Release of Information
- Ophthalmologist/Optometrist Report
- Functional Vision Evaluation
- Learning Media Assessment
- Orientation and Mobility Evaluation
- FIE
- Disability Report: Visual Impairment
- ARD/IEP or IFPS
- Documentation for the state in TSDS, PEIMS, and SPP
- Training Documentation for Evaluation Staff

Resources

The Texas Legal Framework for the Child-Centered Special Education Process: Visual Impairment - Region 18

Texas School for the Blind and Visually Impaired

Educating Students with Visual Impairments in Texas: Guidelines and Standards – Texas School for the Blind and Visually Impaired

OSEP Dear Colleague Letter on Braille (June 19, 2013) - U.S. Department of

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

Education

OSEP Letter to Kotler (Nov. 12, 2014) - U.S. Department of Education

Visual Impairment - SPEDTEX

Citations

Board Policy EHBAA; Board Policy EHBAB; 20 USC 1414(d)(3)(B)(iii); 34 CFR 300.8(c)(13), 300.304(c)(4), 300.324(a)(2)(iii), 302.21; Texas Education Code 30.002(c-1)(2), 30.004; 19 TAC 89.1040(b)–(c), 89.1050(a)–(b), 89.1055(d), 89.1085, 89.1090

©2024 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.