REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES

Kirbyville CISD **121905**

Template update October 2024

Legal Framework: REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES

Related Resources

Broad Category: CHILD FIND

PROCEDURES:

- Kirbyville CISD uses tiered intervention for academics and behavior to provide support to our students identified as at risk.
- District procedures for initiating a referral for a full individual and initial evaluation for a suspected disability include:
    - Parent/Legal Guardian- verbal or written request for a special education evaluation may be made to a campus administrator, their designee, or the Special Education Director. Any employee of the district that receives a verbal or written request for referral should direct the parent to the campus administrator. The campus administrator or designee should make any referral for special education evaluation in writing to the Special Education Director.
    - School Personnel- any school employee can make a verbal or written referral for a special education evaluation to the campus administrator, their designee, or the Special Education Director. The campus administrator or designee should make any referral in writing to the Special Education Director.
    - Another person involved in the education or care of the student may make a verbal or written referral for a special education evaluation to a campus administrator, their designee, or the Special Education Director. The campus administrator or designee should make any referral in writing to the Special Education Director.
- Participation in a tiered intervention program will not delay or deny the referral for a full individual and initial evaluation.
- Within 15 school days of the campus administrator, their designee, or the Special Education Director's receipt of the written request for an initial special education evaluation, a member(s) of the assessment/evaluation team with appropriate certification/licensure will
    - Review the records and performance data of the student in order to determine if there is sufficient evidence to suspect a disability.
    - Consult with the student's general education teachers and other campus staff familiar with the student to review the general education supports and services, curricular modifications, instructional methodologies or evidence-based

Texas Education Agency © 2024 All Rights Reserved

classroom accommodations or interventions that have been used with the student prior to the referral, any tiered intervention progress data, tutorial, remedial, compensatory and other academic or behavior support services that have been provided.
    - Contact the parent, legal guardian, or adult student to provide an overview of the Special Education Director's process and identify a date by which informed written consent for the evaluation may be obtained (no later than 15 days after receiving the written request for an initial evaluation).
- No later than 15 school days after the campus administrator, their designee, or the Director of Special Education's receipt of the written request for an initial special education evaluation, the diagnostician or speech language pathologist will;
    - Ensure the district provides the parent, legal guardian, or adult student with a copy of TEA's most recent Notice of Procedural Safeguards and the Overview of Special Education.
    - Provide prior written notice of the district's proposal to conduct a full individual and initial evaluation (FIIE) and an opportunity for the parent, legal guardian, or adult student to give informed written consent for the evaluation.
    - If the parent, legal guardian, or adult student does not provide consent for the initial special education evaluation, the district is relieved of its Child Find duty and its obligation to provide the student with a free and appropriate public education pursuant to IDEA. (The district has the right to file a due process hearing due to lack of parental consent for such evaluation.)
    - Provide the parent, legal guardian, or adult student with prior written notice of the district's decision not to conduct an evaluation, if there is no evidence of a suspected disability or the need for special education and related services.
        - The student may be referred to the district's Section 504 coordinator or campus designee for a potential Section 504 evaluation.
        - The diagnostician or speech language pathologist will prepare the prior written notice of why the district refuses to conduct an initial evaluation as well as a description of the information that was used for the basis of the refusal to evaluate.
- The district ensures that a student will continue receiving any interventions and supports to target their academic and behavioral needs while an FIIE is being conducted.
- Campus administrators, interventionists, counselors, etc. are trained at least annually about the special education evaluation process.

Texas Education Agency © 2024 All Rights Reserved

- Child Find flyers and website posts include contact information for anyone who wants to make a referral for a student to receive a special education evaluation, and it is included in the Student Handbook annually.
- Outside evaluations are considered using the Legal Framework definition of disability eligibility. The diagnostician, speech language pathologist, or other assessment staff will ensure that an outside evaluation includes the requirements of an evaluation in Texas and fits the eligibility criteria for a specific disability category. A review of existing evaluation data may be used to determine if any other data is needed.
- Private School or Homeschool Evaluations
    - Referrals may be made to the Special Education Director or the campus administrator on the campus that the student would attend if they were in public school. The referral should be made to the student's home district for zoning purposes.
    - The same 15 school day timeline will be followed for all private school and home school referrals for special education evaluations.
    - Relevant school records and parent information will be reviewed
    - Prior Written Notice will be provided and informed consent will be obtained (The district may not file a due process hearing if the parent does not give consent to evaluate.)
    - The evaluation will take place on a Kirbyville CISD campus, and if the student qualifies for services, they will be provided on a Kirbyville CISD campus.

STAFF RESPONSIBLE:

District Level: Special Education Director

Campus Level: Campus Administrators/Classroom Teachers

TIMELINES FOR REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES:

- Training for general education and special education staff
- Informational programs for families
- Parent's written request for an initial evaluation
- Parent's verbal request for an initial evaluation

EVIDENCE OF PRACTICE:

- Forms or checklists
- Prior Written Notice of Proposal or Refusal to Evaluate

Texas Education Agency © 2024 All Rights Reserved

- Written consent for evaluation
- Staff training artifacts (presentation handouts, sign-in sheets, etc.)
- Agendas from informational programs for parents
- Annual LEA statement regarding IDEA's Child Find and FAPE requirements in your LEA's student handbook or by other means

Texas Education Agency © 2024 All Rights Reserved