Sec. 1. REFERRAL FOR FULL AND INDIVIDUAL INITIAL EVALUATION

Referral of students for a full and individual initial evaluation ("FIIE") for possible special education services and related services shall be a part of Academy of Accelerated Learning, Inc. (AAL) multi-tiered system of academic and behavioral supports. The student's parents or legal guardian, school personnel, or another person involved in the education or care of the student may initiate a referral or request for an FIIE at any time. AAL will continue to provide the student with any necessary interventions and support services to target their academic or behavioral needs while an FIIE is being conducted.

19 Tex. Admin. Code § 89.1011(a).

a) *Obligation to Refer*

Students not making progress in the general education classroom should be considered for all interventions and support services available to all students, such as tutorials, compensatory services, response to evidence-based intervention, and other academic or behavior support services. AAL cannot require a student to participate in interventions and support services for any specific length of time prior to a referral being made or an FIIE being conducted. If the student continues to experience difficulty in the general education classroom with the provision of interventions and support services or at any time AAL personnel suspect a disability and a possible need for special education and related services, AAL personnel must refer the student for an FIIE.

20 U.S.C. §1414(a)(1); 34 C.F.R. § 300.301; 19 Tex. Admin. Code § 89.1011(a).

b) *Parent Request*

If a parent submits a written request for an FIIE to AAL's director of special education services or to an AAL administrative employee, such as a campus principal, AAL shall, not later than the 15th school day after the date AAL receives the request:

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

20 U.S.C. § 1414(a)(1); 34 C.F.R. § 300.301; 19 Tex. Admin. Code. § 89.1011 (b); Tex. Educ. Code § 29.004(c).

c) *District Referral*

When AAL initiates a referral for an FIIE, AAL shall provide the parent with prior written notice of its proposal to conduct an evaluation consistent with 34 C.F.R. § 300.503, a copy of the

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procedural safeguards notice required by 34 C.F.R. § 300.504, a copy of TEA's Overview of Special Education for Parents form, and an opportunity to give written consent for the evaluation.

19 Tex. Admin. Code § 89.1011(c).

Sec. 2. NOTICE OF RIGHTS

AAL shall provide written notice to a student's parent or guardian within a reasonable time before proposing or refusing to initiate the identification, evaluation, or educational placement of a student or the provision of a free appropriate public education (FAPE").

34 C.F.R. § 300.8(c)(10)

Sec. 3. INITIAL EVALUATION

AAL shall conduct an FIIE before the initial provision of special education and related services.

20 U.S.C. § 1414(a)(1)(A).

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered as an evaluation for eligibility for special education and related services.

20 U.S.C. § 1414(a)(1)(E).

a) *Consent for Initial Evaluation*

AAL shall make reasonable efforts to obtain informed parental consent before conducting an initial evaluation.

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

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

20 U.S.C. § 1414(a)(1)(D)(i)(1); 34 C.F.R. § 300.300.

b) *Wards of the State*

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

1. AAL cannot discover the whereabouts of the parent, despite reasonable efforts to do so;
2. The rights of the parent have been terminated; or

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3. The rights of the parent to make educational decisions have been subrogated, and an individual appointed by a judge to represent the student has given consent for an initial evaluation.

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

Sec. 4. NOTIFICATION TO PARENTS REGARDING INTERVENTION STRATEGIES

Each school year, AAL shall notify a parent of each child, other than a child enrolled in a special education program, who receives assistance from the AAL for learning difficulties, including through the use of intervention strategies that AAL provides to the child. The notice must:

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

The notice under this policy may be provided to a child's parent at a Section 504 meeting.

Tex. Educ. Code § 26.0081.

SEC. 5. RIGHT TO INSPECT AND REVIEW EDUCATION RECORDS

A parent is entitled to access to all written records of AAL concerning the parent's child, including attendance records, test scores, grades, disciplinary records, counseling records, psychological records, applications for admission, health and immunization information, teacher and school counselor evaluations, reports of behavioral patterns, and records relating to assistance provided for learning difficulties, including information collected regarding any intervention strategies used with the child.

Tex. Educ. Code § 26.004(b)(1).

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