Sec. 1. IDEA EVALUATIONS AND REEVALUATIONS

All evaluations and eligibility determinations shall be made in accordance with the Individuals with Disabilities Education Act ("IDEA"), the Texas Education Code, and their implementing regulations.

Sec. 2. FULL AND INDIVIDUAL EVALUATION (FIE)

Academy of Accelerated Learning, Inc. (AAL) shall ensure that upon completion of the administration of such tests and other evaluation materials administered according to the evaluation procedures of the IDEA and preparation of the written report, the admission, review and dismissal ("ARD") committee determines if the student is a student with a disability under state and federal standards.

AAL shall conduct a full and individual initial evaluation ("FIIE") prior to providing special education and related services to any student. All students must be evaluated in accordance with the IDEA, the Texas Education Code, and their implementing regulations.

AAL shall have procedures in place to ensure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of students with disabilities are selected and administered so as to not be racially, culturally, or gender discriminatory. Assessment and procedures shall be provided and administered in the student's native language or most proficient mode of communication and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so.

34 C.F.R. § 300.301; Tex. Educ. Code § 29.310.

All implementing assessment procedures must differentiate between language proficiency and handicapping conditions. Additionally, placement procedures must ensure that placement in a bilingual education or English as a second language program is not refused solely because the student has a disability.

19 Tex. Admin. Code § 89.1230.

No single procedure shall be the sole criterion for determining whether a student is a student with a disability or for determining an appropriate education program for a student with a disability. The evaluation must be sufficiently comprehensive to identify all of the student's special education and related services' needs. Each student must be evaluated in all suspected areas of disability.
34 C.F.R. §§ 300.301,300.304; Tex. Educ. Code § 29.310.

All assessments must be administered in accordance with the instructions and provided by a trained and knowledgeable person.

34 C.F.R. §§ 300.301, 300.304.

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Sec. 3. TIMELINE

If a student's parent provides a written request for an evaluation to the school's director of special education services or to a district administrative employee, AAL shall, within 15 school days, (1) provide the parent with prior written notice of its proposal to conduct an evaluation, a copy of the procedural safeguards, 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 prior written notice and procedural safeguards if the school is denying the request for evaluation.

Tex. Educ. Code § 29.004(c); 19 Tex. Admin. Code § 89.1011.

A written FIIE report must be completed not later than the 45th school day following the date on which AAL receives written consent for the evaluation, signed by the student's parent. If the student is absent three or more days in that time period, the timeline must be extended by the number of days the student was absent.

Tex. Educ. Code § 29.004(a).

This time frame shall not apply if:

1. A student enrolls in the current school after the relevant time frame has begun and before the previous school made a determination as to whether the student has a disability, but only if the current school is making sufficient progress to ensure a prompt completion of the evaluation and the parent and current school agree to a specific time for completion of the evaluation; or
2. The parent repeatedly fails or refuses to produce the student for the evaluation.

34 C.F.R. § 300.301(d).

Following the completion of the FIE, the ARD committee must meet within 30 calendar days from the date of completion to review and determine eligibility and, if appropriate, the individualized education program and placement.

Tex. Educ. Code § 29.004.

If the 30th day falls during the summer and school is not in session, the student's ARD committee must meet within not later than the fifteenth (15th) school day of the following school year to finalize decisions concerning the student's initial eligibility determination, and, if appropriate, IEP and placement. If an evaluation report indicates that a student may need extended school year ("ESY") services, however, the ARD committee must meet as expeditiously as possible.

19 Tex. Admin. Code § 89.1011(g)

If the student is an English language learner, the language proficiency assessment committee (LPAC) must also attend the meeting to determine services.

19 Tex. Admin. Code § 89.1050(c)(1)(j)

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If AAL receives written consent for an FIE from a student's parent at least 35 but less than 45 school days before the last instructional day of the school year, the evaluation must be completed, and the written report of the evaluation must be provided to the parent not later than June 30 of that year. The ARD committee must meet by the 15th school day of the following school year to consider the evaluation.

If AAL receives written consent signed by a student's parent less than 35 school days before the last instructional day of the school year or if the school receives the written consent at least 35 but less than 45 school days before the last instructional day of the school year but the student is absent from school during that period on three or more days, the FIIE must be completed not later than the 45th school day after receiving consent.

School days do not include days following the last instructional day of the spring term and before the first day of the fall term.

Tex. Educ. Code § 29.004.

A copy of the written evaluation report must be provided to the student's parent(s) as soon as possible after its completion but no later than five (5) school days before the initial ARD committee meeting. For exceptions concerning this timeline, please see 19 Texas Administrative Code § 89.1011(e)(1).

19 Tex. Admin. Code § 89.1011(e).

Sec. 4. SPECIFIC LEARNING DISABILITY EVALUATION

TEA cannot require AAL to use the severe discrepancy between intellectual ability and achievement for determining whether a student has a specific learning disability. TEA must permit the use of a process based on the child's response to scientific, research-based intervention; and may permit the use of other alternative research-based procedures for determining whether a student has a specific learning disability.

34 C.F.R. § 300.307.

The evaluation process for specific learning disability includes an observation of the child in the learning environment, including the regular classroom setting, to document academic performance and behavior in the areas of difficulty, and the evaluation must adhere to all applicable requirements set forth in the IDEA, Texas Education Code, and their implementing regulations.

34 C.F.R. § 300.310 (a), (c); 19 Tex. Admin. Code § 89.1040(c)(9).

Sec. 5. FUNCTIONAL BEHAVIOR ASSESSMENT (FBA)

A functional behavior assessment ("FBA") may be necessary for a student whose behavior impedes their education or that of others. Prior to completing an FBA, AAL shall get consent from the parent.

34 C.F.R. §§ 300.9, 300.324(a)(2)(i).

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If a disciplinary change of placement is proposed, but it is determined that the behavior is a manifestation of the child's disability, an FBA must be conducted as required by state and federal law.

34 C.F.R. § 300.350(f); Tex. Educ. Code § 37.004(b-1).

Sec. 6. REVIEW OF EXISTING EVALUATION DATA

A Review of Existing Evaluation Data ("REED") is required as part of an initial evaluation, if appropriate, and as part of any reevaluation. The REED must be conducted by the ARD committee members and other qualified professionals, as appropriate. The ARD committee members may conduct the review without a meeting.

The REED must include a review of the following:

- Evaluations and information provided by the parents of the student;
- Current classroom-based, local, or State assessments, and classroom-based observations; and
- Observations by teachers and related services providers.

On the basis of that review, and input from the student's parents, the ARD committee members must identify what additional data, if any, are needed to determine:

- Whether the student is a student with a disability, and the educational needs of the student, or, in case of a reevaluation of a student, whether the student continues to have such a disability and the educational needs of the student;
- Whether the student needs special education and related services, or in the case of a reevaluation of a student, whether the student continues to need special education and related services;
- The present levels of academic achievement and related developmental needs of the student; and
- Whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the IEP of the student and to participate, as appropriate, in the general education curriculum.

AAL shall administer any assessments or other evaluation measures needed to produce the data identified by the REED in accordance with applicable procedural requirements regarding notice and consent.

If additional data is not needed, the ARD committee must notify the parent of the determination decision and provide information about the parent's right to request additional assessments to determine student needs and eligibility.

34 C.F.R. § 300.305.
AAL shall conduct a reevaluation of the student if the school determines that the educational or related service needs, including improved academic achievement and functional performance, of

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the child warrant a reevaluation or if the child's parent or teacher requests a reevaluation. A reevaluation may not occur more than once per year, unless agreed to by the school and the parent. A reevaluation must occur at least every three years, unless the school and parent agree the evaluation is unnecessary.

34 C.F.R. § 300.303.

Sec. 7. CHANGE IN ELIGIBILITY

AAL shall evaluate a student with a disability before determining a student is no longer eligible for special education and related services. An evaluation is not required if a student is no longer eligible due to graduation or exceeding the age eligibility in Texas. AAL shall create a summary of performance and include recommendations on how to assist the student in meeting postsecondary goals.

34 C.F.R. § 300.305(e).

Sec. 8. CONSIDERATION OF SERVICES PROVIDED IN REGULAR EDUCATION SETTING

To ensure that underachievement in the student suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group of qualified professionals, as part of a full and individual evaluation, must consider:

- Data that demonstrate that prior to, or as part of, the referral process, the student was provided appropriate instruction in regular education settings, delivered by qualified personnel; and
- Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of progress during instruction, which was provided to the student's parents.

34 C.F.R. § 300.309(b).

Sec. 9. COORDINATION OF EVALUATIONS WITH PRIOR AND SUBSEQUENT SCHOOLS

The school shall ensure that evaluations of students who transfer from one local education agency to another in the same academic year are coordinated with the student's prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of evaluations.

20 U.S.C. § 1414(b)(3)(D).

Sec. 10. PSYCHOLOGICAL EXAMINATIONS AND TESTS

On request of a child's parent, before obtaining the parent's consent for the administration of any psychological examination or test to the child as part of the evaluation of the child's need for special education, AAL shall provide to the child's parent:

1. The name and type of the examination or test; and

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2. An explanation of how the examination or test will be used to develop an appropriate IEP for the child.

If AAL determines that an additional psychological examination or test is required for the evaluation of a child's need for special education, AAL shall provide the information above to the parent regarding the additional psychological examination or test and shall obtain additional consent for the administration of the additional psychological examination or test.

Tex. Educ. Code § 29.0041(a), (b).

If AAL determines that an additional psychological examination or test is required for the evaluation, AAL shall provide the information required by Texas Education Code 29.0041(a) and shall obtain parental consent. If a parent does not give consent within 20 calendar days after the School provides the information, the parent's consent is considered denied.

The time required for AAL to provide information and seek consent may not be counted toward the timeframe for completion of an evaluation.

Tex. Educ. Code § 29.0041.

Sec. 11. EXTENSION OF TIMELINES

For a specific learning disability, the timelines for evaluation under this policy may be extended by mutual written agreement of the student's parents and the ARD committee.

34 C.F.R. § 300.309(c).

Sec. 12. EVALUATION CONDUCTED PURSUANT TO A SPECIAL EDUCATION DUE PROCESS HEARING

A special education hearing officer in an impartial due process hearing brought under 20 U.S.C. §1415 may issue an order or decision that authorizes one or more evaluations of a student who is eligible for, or who is suspected as being eligible for, special education services. Such an order or decision authorizes the evaluation of the student without parental consent as if it were a court order for purposes of any State or federal law providing for consent by order of a court.

Tex. Educ. Code § 29.016.

Sec. 13. INDEPENDENT EDUCATIONAL EVALUATIONS

The parent of a student with a disability has the right to obtain an independent educational evaluation ("IEE") of the parent's child if the parent disagrees with the evaluation of the student that was obtained by AAL.

If the parent requests an IEE, AAL must provide the parent with information about where the parent may obtain an IEE and about AAL's criteria that apply to IEE.

Sec. 14. DEFINITIONS

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An IEE means an evaluation conducted by a qualified examiner who is not employed by the school responsible for the education of a student.

Public expense means that AAL either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent, consistent with the provisions of Part B of IDEA, which allow each State to use whatever State, local, Federal, and private sources of support are available in the State to meet the requirements of Part B of IDEA.

34 C.F.R. § 300.502.

Sec. 15. RIGHT TO AN INDEPENDENT EVALUATION AT PUBLIC EXPENSE

The parent has the right to request an IEE of the parent's child at public expense if the parent disagrees with an evaluation of the student completed by AAL.

If the parent requests an IEE, AAL must respond to the parent by either:

1. without unnecessary delay, filing a due process complaint to request a hearing to show that its evaluation of the student is appropriate; or
2. providing an IEE at public expense, unless AAL demonstrates in a due process hearing that the evaluation of the student that the parent obtained did not meet AAL's criteria.

If AAL requests a hearing and the final decision is that AAL's evaluation of the student is appropriate, the parent still has the right to an IEE, but not at public expense.

If the parent requests an IEE of the student, AAL may ask why the parent objects to the evaluation of the student obtained by AAL; however, AAL may not require an explanation and may not unreasonably delay either providing the IEE of the student at public expense or filing a due process complaint to request a due process hearing to defend AAL's evaluation of the student.

The parent is entitled to only one IEE of the student at public expense each time AAL conducts an evaluation of the student with which the parent disagrees.

34 C.F.R. § 300.502.

a) *Parent-Initiated Evaluations*

If the parent obtains an IEE of the student at public expense or the parent shares with AAL an evaluation of the student that the parent obtained at private expense:

1. AAL must consider the results of the evaluation of the student, if it meets AAL's criteria for IEE, in any decision made with respect to the provision of a free appropriate public education to the student; and
2. the parent or AAL may present the evaluation as evidence at a due process hearing regarding the student.

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34 C.F.R. § 300.502.

b) ***Requests for Evaluations by Hearing Officers***

If a hearing officer requests an IEE of the student as part of a due process hearing, the cost of the evaluation must be at public expense.

Sec. 16. CRITERIA FOR OBTAINING IEE AT PUBLIC EXPENSE

The criteria under which the IEE is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the public agency uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an IEE. For information concerning AAL's IEE criteria, please contact the Special Education Coordinator.

34 C.F.R. § 300.502(e).

Sec. 17. STUDENTS WHO TRANSFER

AAL If a student was in the process of being evaluated for special education eligibility by a school district and enrolls in another school district completed the FIIE, shall ensure that evaluations of children who transfer from one district to another in the same academic year are coordinated with the children's prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of evaluations in accordance with 34 C.F.R. §§ 300.301(d)(2) and (e) and 300.304(c)(5).

If a student was in the process of being evaluated for special education eligibility by another school district or charter school and enrolls in AAL, and the FIIE has not yet been completed, AAL shall ensure that the evaluation is coordinated with the student's prior and subsequent schools, as expeditiously as possible to necessary to ensure prompt completion of the evaluation in accordance with 34 C.F.R. §§ 300.301(d)(2) and (e) and 300.304(c)(5).

The timelines set forth in 19 Texas Administrative Code § 89.1011(d) and (g) do not apply if:

1. The new school district is making sufficient progress to ensure a prompt completion of the evaluation; and
2. The parent and the new school district agree to a specific time when the evaluation will be completed.

20 U.S.C. § 1414(b)(3)(D); 19 Tex. Admin. Code § 89.1011(f)

Commented [A1]: NOTE: The highlighted portion is the only "standard" provisions. The remainder of the IEE criteria can be school-specific. Please be sure to verify that the school-specific IEE criteria included in this Section is consistent with any internal special education documents/procedures concerning IEE criteria, including any forms given to parents outlining the criteria. Alternatively, you may wish to simply omit everything but the highlighted portion and reference your internal document by name or include the point of contact by position to obtain the information. For example, "For information concerning <<School Name>>'s IEE criteria, please contact <<Position/Title>>.

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