Aiding Students Who Have Learning Difficulties or Who Need Special Education or Section 504 Services

For students who are having difficulty in the general education classroom, all school districts and open enrollment charter schools must consider tutorial, compensatory, and other intervention and support services that are available to all students, through the district or school's multi-tiered system of academic and behavioral supports (MTSS). The provision of these intervention and support services, which might include a response to intervention (RTI) process, can have a positive impact on the ability of districts and charter schools to meet the needs of all students.

If a student is experiencing learning difficulties, which could include academic or non-academic difficulties, his or her parent may contact the individual(s) listed below to learn about the school's MTSS. This system links students to a variety of support options, including making a referral for a special education evaluation or for a Section 504 evaluation, when appropriate, to determine if the student needs specific aids, accommodations, or specialized services. A parent may request an evaluation for special education or Section 504 services at any time.

Special Education Referrals

If a parent makes a written request for an initial evaluation for special education services to the director of special education services or to an administrative employee of the school district or open enrollment charter school, such as a campus principal, the district or charter school must respond no later than 15 school days after receiving the request. At that time, the district or charter school must give the parent a prior written notice of whether it agrees to or refuses to evaluate the student, a copy of the *Notice of Procedural Safeguards,* and a copy of the *Overview of Special Education for Parents* form created by the Texas Education Agency (TEA). If the school district or charter school agrees to evaluate the student, it must also give the parent the opportunity to give written consent for the evaluation.

Please note that a request for a special education evaluation may be made verbally and does not need to be in writing. Districts and charter schools must still comply with all federal prior written notice and procedural safeguard and form requirements and the requirements for identifying, locating, and evaluating children who are suspected of being a child with a disability and in need of special education. However, a verbal request does not require the district or charter school to respond within the 15-school-day timeline.

If the district or charter school conducts a special education evaluation for a student, it must complete the student's evaluation and evaluation report no later than 45 school days following the date it receives a parent's written consent to evaluate the student. However, if the student is absent from school during the evaluation period for three or more school days, the evaluation period can be extended by the number of school days equal to the number of school days that the student is absent.

There is another exception to the 45-school-day timeline. If a district or charter school receives a parent's consent for the initial evaluation at least 35 but less than 45 school days before the last instructional day of the school year, it must complete the evaluation report and provide a copy of the report to the parent by June 30 of that year. However, if the student is absent from school for three or more days during the evaluation period, the June 30th due date no longer applies. Instead, the general timeline of 45 school days plus extensions for absences of three or more days will apply. If a district or charter school receives a parent's consent for the initial evaluation less than 35 school days before the last instructional day of the school year, the general timeline of 45 school days applies to the date the written report of the initial evaluation must be completed, with the same extension for three or more absences during the evaluation period.

Upon completing the evaluation, the district or charter school must give the parent a copy of the evaluation report as soon as possible, but no later than five school days prior to the initial admission, review and determination (ARD) committee meeting, which will determine a student's initial eligibility or no later than June 30 if the parent consent was received at least 35 but less than 45 school days before the last instructional day of the school year. The copy of the evaluation must be provided to the parent at no cost.

Additional information regarding special education is available from the district or charter school in a companion document titled *Parent's Guide to the Admission, Review, and Dismissal Process*.

Contact Person for MTSS

The designated person to contact regarding options for a student experiencing learning difficulties and the district or charter school's multi-tiered system of supports (MTSS) is:

Contact Person:

Phone Number:

Email Address:

Contact Person for Special Education Referrals

The designated person to contact regarding a referral for evaluation for special education services is:

Contact Person:

Phone Number:

Email Address:

Section 504 Referrals

Each school district or charter school must have standards and procedures in place for the evaluation and placement of students in the district's or charter school's Section 504 program. Districts and charter schools must also implement a system of procedural safeguards that includes notice, an opportunity for a parent or guardian to examine relevant records, an impartial hearing with an opportunity for participation by the parent or guardian and representation by counsel, and a review procedure.

Contact Person for Section 504 Referrals

The designated person to contact regarding options for a student experiencing learning difficulties or regarding a referral for evaluation for Section 504 services is:

Contact Person:

Phone Number:

Email Address:

Additional Information

The following websites provide information and resources for students with disabilities and their families.

- Texas SPED Support
- SPED Tex