

REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES

Authorities: 34 CFR Part 300; Texas Education Code; 19 TAC Chapters 74 and 89

	Additional Resources
	FEDERAL AND STATE REQUIREMENTS
Practice	<p>The Texas Education Agency (TEA) will produce and provide to the local education agencies (LEAs) 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.</p> <p>Citations: TEC 26.0081(c)</p>
Practice	<p>The explanation must state that the parent is entitled at any time to request an evaluation of the student for special education services.</p> <p>Citations: TEC 26.0081(c)</p>
Practice	<p>Each school year, each LEA must provide the written explanation to the parent of each student enrolled in the LEA by including the explanation in the student handbook or by another means.</p> <p>Citations: TEC 26.0081(c)</p>
Practice	<p>Referral of students for an EVALUATION for possible special education and related services must be a part of the LEA's overall general education referral or screening system multi-tiered system of academic and behavior supports.</p> <p>Citations: 89.1011(a)</p>
Practice	<p>The TEA does not have a performance indicator in any agency monitoring system, including the performance-based monitoring analysis system, that solely measures an LEA's aggregated numbers or percentage of enrolled students who receive special education services.</p> <p>Citations: TEC 29.0011(a)</p>

	FEDERAL AND STATE REQUIREMENTS
	<u>REFERRAL FOR INITIAL EVALUATION INTERVENTIONS AND SUPPORT SERVICES</u>
Practice	<p>Students experiencing difficulty <u>not making progress</u> in the general education classroom should be considered for all <u>interventions and support services</u> available to all students, such as tutorial, remedial, compensatory, response to evidence-based intervention, and other academic or behavior support services. A student is not required to be provided with interventions for any specific length of time prior to a referral being made or a full individual and initial evaluation (FIE) being conducted.</p> <p>Citations: 74.28(c) 74.28(j) 89.1011(a)</p>
Practice	<p>The school district 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 FIE 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 district personnel suspect a disability and a possible need for special education and related services, district personnel must refer the student for an FIE.</p> <p>Citations: 74.28(c) 74.28(j) 89.1011(a)</p>
Practice	<p>While an FIE is being conducted, a student must continue to receive any necessary interventions and support services to target their academic or behavioral needs.</p> <p>Citations: 74.28(c) 74.28(j) 89.1011(a)</p>
	<u>REFERRAL FOR INITIAL EVALUATION</u>
Practice	<p>A referral or request for an FIE may be initiated at any time by LEA personnel, the student's parents or legal guardian, or another person involved in the education or care of the student.</p>

	FEDERAL AND STATE REQUIREMENTS
	<u>Citations:</u> <u>89.1011(a)</u> <u>300.301(b)</u> <u>300.33</u>
	<u>SCHOOL DISTRICT REFERRALS</u>
<u>Practice</u>	<p><u>If the student continues to experience difficulty in the general education classroom with the provision of interventions, the LEA must refer the student for an FIE.</u></p> <p><u>Citations:</u> <u>89.1011(a)</u></p>
<u>Practice</u>	<p><u>For a student suspected of having a specific learning disability, the LEA must refer for an initial evaluation referral... if the student has not made adequate progress after an appropriate period of time when provided:</u></p> <p><u>Citations:</u> <u>300.309(c)</u> <u>300.301</u> <u>300.303</u></p>
<u>Practice</u>	<ul style="list-style-type: none"> <u>• Appropriate instruction in regular general education settings, delivered by qualified personnel as demonstrated by the data; and</u> <p><u>Citations:</u> <u>300.309(c)(1)</u> <u>300.309(b)(1)</u></p>
<u>Practice</u>	<ul style="list-style-type: none"> <u>• Repeated assessments of achievement at reasonable intervals, reflecting formal assessment of the student's progress during instruction, which was data-based, documented, and provided to the student's parent.</u> <p><u>Citations:</u> <u>300.309(c)(1)</u> <u>300.309(b)(2)</u></p>
<u>Practice</u>	<p><u>When a school district initiates the referral for an FIE of a student, the district must provide the parent with:</u></p> <p><u>Citations:</u> <u>74.28(g)</u> <u>89.1050(g)</u> <u>300.503(a)</u> <u>300.300(a)(1)(iii)</u></p>

	FEDERAL AND STATE REQUIREMENTS
	<u>89.1011(c)</u>
Document	<ul style="list-style-type: none"> <u>provide the parent with Prior written notice of its proposal to conduct an evaluation</u> <p>Citations: <u>74.28(g)</u> <u>89.1050(g)</u> <u>300.503(a)</u> <u>300.300(a)(1)(iii)</u> <u>89.1011(c)</u></p>
Document	<ul style="list-style-type: none"> A copy of the procedural safeguards notice required <p>Citations: <u>89.1011(b)(1)</u> <u>300.504</u></p>
Practice	<ul style="list-style-type: none"> <u>A copy of the Overview of Special Education for Parents form created by the Texas Education Agency (TEA); and</u> <p>Citations: <u>89.1011(b)(1)</u> <u>89.1011(c)</u></p>
Document	<ul style="list-style-type: none"> <u>The opportunity to give written consent for the evaluation.</u> <p>Citations: <u>89.1011(b)(1)</u> <u>89.1011(c)</u></p>
Practice	<p>A referral for an FIE may be initiated at any time by LEA personnel, the student's parents or legal guardian, or another person involved in the education or care of the student.</p> <p>Citations: <u>89.1011(a)</u> <u>300.301(b)</u> <u>300.33</u></p>
Practice	<p>If the student continues to experience difficulty in the general education classroom with the provision of interventions, the LEA must refer the student for an FIE.</p>

	FEDERAL AND STATE REQUIREMENTS
	<p><u>Citations:</u> <u>89.1011(a)</u></p>
Practice	<p>Whenever a student is referred for an initial evaluation, the LEA must provide <u>PRIOR WRITTEN NOTICE</u> of its proposal or refusal to evaluate the student.</p> <p><u>Citations:</u> <u>74.28(g)</u> <u>89.1050(gh)</u> <u>300.503(a)</u> <u>300.300(a)(1)(iii)</u></p>
	<u>WRITTEN PARENT REQUESTS</u>
Practice	<p>If a parent submits a written request to a school district's director of special education services or to a district administrative employee, such as a campus principal, for an IIE of a student, the school district must, not later than the 15th school day after the date the district receives the request:</p> <p><u>Citation:</u> <u>89.1011(b)(1)</u></p>
Document	<ul style="list-style-type: none"> • <u>Provide the parent with prior written notice of its proposal to conduct an evaluation</u> <p><u>Citations:</u> <u>74.28(g)</u> <u>89.1050(g)</u> <u>300.503(a)</u> <u>300.300(a)(1)(iii)</u> <u>89.1011(b)(1)</u></p>
Practice	<ul style="list-style-type: none"> • <u>A copy of the procedural safeguards notice</u> <p><u>Citation:</u> <u>89.1011(b)(1)</u></p>
Practice	<ul style="list-style-type: none"> • <u>A copy of the Overview of Special Education for Parents form created by the Texas Education Agency (TEA); and</u> • <u>_____</u> <p><u>Citation:</u> <u>89.1011(b)(1)</u></p>

	FEDERAL AND STATE REQUIREMENTS
Document	<ul style="list-style-type: none"> • <u>The opportunity to give written consent for the evaluation; or</u> Citation: <u>89.1011(b)(2)</u>
Document	<ul style="list-style-type: none"> • <u>Provide the parent with prior written notice of its refusal to conduct an evaluation</u> Citation: <u>89.1011(b)(2)</u>
Practice	<ul style="list-style-type: none"> • <u>A copy of the Overview of Special Education for Parents form created by TEA; and</u> Citation: <u>89.1011(b)(2)</u>
Practice	<ul style="list-style-type: none"> • <u>A copy of the procedural safeguards notice required.</u> Citation: <u>89.1011(b)(2)</u>
Practice	<p>For students who are homeless or in substitute care, the LEA must also provide notice to the student's educational decision-maker and caseworker regarding requests or referrals for an evaluation under Section 504, or special education.</p> Citations: <u>TEC 25.007(b)(10)(A)</u>
Practice	<p>Before conducting an FIE, the LEA must obtain from the parent <u>CONSENT FOR INITIAL EVALUATION</u>.</p> Citations: <u>300.300(a)</u>
Practice	<p>For a student suspected of having a specific learning disability, the LEA must refer for an initial evaluation including by providing prior written notice, and promptly request consent for initial evaluation if, prior to a referral, the student has not made adequate progress after an appropriate period of time when provided:</p> Citations: <u>300.309(e)</u>

	FEDERAL AND STATE REQUIREMENTS
	300.301 300.303
<u>Practice</u>	<ul style="list-style-type: none"> • Appropriate instruction in regular general education settings, delivered by qualified personnel as demonstrated by the data; and <p>Citations: 300.309(c)(1) 300.309(b)(1)</p>
<u>Practice</u>	<ul style="list-style-type: none"> • Repeated assessments of achievement at reasonable intervals, reflecting formal assessment of the student's progress during instruction, which was data-based, documented, and provided to the student's parent. <p>Citations: 300.309(c)(1) 300.309(b)(2)</p>
<u>Practice</u>	The LEA must comply with the <u>SPECIAL EDUCATION ELIGIBILITY FOLDER</u> framework for maintaining copies of referral data.

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