

REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES

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

[Additional Resources](#)

DOCUMENT / PRACTICE	FEDERAL AND STATE REQUIREMENTS	CITATIONS
P	The Texas Education Agency 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.	TEC 26.0081(c)
P	The explanation must state that the parent is entitled at any time to request an evaluation of the student for special education services.	TEC 26.0081(c)
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.	TEC 26.0081(c)
P	Referral of students for an <u>EVALUATION</u> for possible special education services must be a part of the LEA's overall general education referral or screening system.	89.1011(a)
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 number or percentage of enrolled students who receive special education services.	TEC 29.0011(a)
	REFERRAL FOR INITIAL EVALUATION	
P	Students experiencing difficulty in the general classroom should be considered for all support services 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 (FIIE) being conducted.	74.28(c) 74.28(j) 89.1011(a)

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P	<p>Either the parent of the student, a state educational agency, an LEA, an educational service agency (ESA), or a nonprofit public charter school that is not otherwise included as and not a school of an LEA or ESA, and any other political subdivision of the state that is responsible for providing education to children with disabilities, may initiate a request for an initial evaluation to determine if the student is a child with a disability. A referral for an FIIE 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>89.1011(a) 300.301(b) 300.33</p>
P	<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 FIIE.</p>	<p>89.1011(a)</p>
P	<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>74.28(g) 89.1050(h) 300.503(a) 300.300(a)(1)(iii)</p>
P	<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>	<p>TEC 25.007(b)(10)(A)</p>
P	<p>Before conducting an FIIE, the LEA must obtain from the parent <u>CONSENT FOR INITIAL EVALUATION</u>.</p>	<p>300.300(a)</p>
P	<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>	<p>300.309(c) 300.301 300.303</p>
P	<ul style="list-style-type: none"> Appropriate instruction in regular education settings, delivered by qualified personnel as demonstrated by the data; and 	<p>300.309(c)(1) 300.309(b)(1)</p>

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P	<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. 	300.309(c)(1) 300.309(b)(2)
P	<p>The LEA must comply with the SPECIAL EDUCATION ELIGIBILITY FOLDER framework for maintaining copies of referral data.</p>	

Last Updated: ~~Thursday, January 25, 2018~~ Friday, October 22, 2021

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