# **Special Education Initial Referral Timeline**

### Referral for Initial Evaluation

 Campus Request or Parent Request (verbal or written) to a local education agency's (LEA's) director of special education or district administrative employee

Not later

than the

15th school

day after

the date

the district

receives a

written

parental

request

# **Best Practice**

Provide notice of action for all referrals not later than the 15<sup>th</sup> school day after the date the district receives the request

## **Notice of Action**

- Provide parents with Prior Written Notice for evaluation
- Provide parents
   with Notice of
   Procedural
   Safeguards and an
   opportunity to
   provide consent to
   evaluate

#### OR

 Provide parent with Prior Written Notice of refusal to evaluate and Notice of Procedural Safeguards Full and Individual Initial Evaluation (FIIE) Completed with Written Report

evaluation of all components is conducted to determine (1) if the child is a child with a disability according to the eligibility criteria and (2) the educational needs of the child

within 30

calendar

days of

written

report the

ARD

committee

must

determine

eligibility\*\*

A comprehensive

Notice of Admission, Review, and Dismissal (ARD) Committee Meeting

- Provide parent
  with the Parent's
  Guide to the
  Admission,
  Review, and
  Dismissal Process
  (at any time prior
  to the initial ARD
  committee
- Provide parents with at least five school days' notice of initial ARD committee meeting

meeting)

 Meeting should be held at a mutually agreeable time and place

# Initial ARD Committee Meeting

- Eligibility is determined by ARD committee
- An Individualized Education Program (IEP), if appropriate, is developed
- Provide parents with Prior Written Notice outlining decisions made and actions to be taken
- Provide parents with an opporutnity to provide consent for initial placement

- \*If the student is absent three or more days during the evaluation period, then the evaluation timeline is extended by the number of days absent.
- \*If consent is obtained at least 35 but less than 45 school days before the last instructional school day, then the evaluation must be completed and the written report must be provided to parent not later than June 30 of that year.

Not later

than the

45th school

day

following

the date on

which the

district

receives

written

parental

consent\*



<sup>\*\*</sup>If the 30<sup>th</sup> calendar day falls within the summer when school is not in session, then the initial ARD committee meeting must determine eligibility by the first school day of the following school year. If consent is received at least 35 but less than 45 school days prior to the last instructional day of the school year, then the initial ARD committee must determine eligibility by the 15<sup>th</sup> school day of the following school year.

<sup>\*\*</sup>Unless the initial evaluation indicates that the student will need extended school year services that summer, then the ARD committee must determine eligibility as promptly as possible.

# **Frequently Asked Questions**

# At what points during the initial referral process is the Notice of Procedural Safeguards required to be provided to parents?

The Notice of Procedural Safeguards must be provided to the parents at the initial referral for a full and individual initial evaluation, and if the LEA provides a notice of refusal to evaluate. TEA Guidance on Procedural Safeguards Production and Required Dissemination

## At what points during the initial referral process is Prior Written Notice required to be provided to parents?

Prior Written Notice is required whenever the LEA proposes or refuses to initiate or change the identification, the evaluation, or education placement of a student. 19
Texas Administrative Code, §89.1050(h)

### What is considered a "school day"?

A school day is considered any instructional day, including a shortened day, between the first day of school and the last day of school. 19 Texas Administrative Code §89.1011(g)

### What constitutes the "evaluation process"?

The evaluation process is one which parental consent was obtained, the child was evaluated, and the ARD committee determined the child's eligibility. <u>TEA SPP 11 Frequently Asked</u> Questions

### When do timelines begin for a verbal request for an initial evaluation?

Districts and charter schools must still comply with all federal prior written notice and procedural safeguard 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. TEA Student Handbook Statement

It is recommended that the LEA develop a plan (operating procedures) for addressing verbal parent requests in a timely manner.

If the student was not found eligible or was previously dismissed from special education but is then referred again for an evaluation in a subsequent school year, is this considered an initial evaluation?

Yes. This would be considered an initial evaluation. TEA SPP 11 Frequently Asked Questions

What if the consent is obtained at least 35 but less than 45 school days from the last instructional day, but multidisciplinary evaluation team completes the initial evaluation written report early and there are at least 30 calendar days before the last day of school? When is the initial ARD committee meeting to be held?

When the school receives written consent within the 35 but less than 45 school day window found in §89.1011(e), the LEA must provide the written report to the parent by June 30 of the current year, and the ARD committee must meet not later than the 15<sup>th</sup> school day of the following year. Whether the written report was finished with sufficient time to allow the ARD committee to meet before the end of the current school year under these circumstances is irrelevant. As long as the district meets these timelines—it is in compliance. 19 Texas Administrative Code, §89.1011

However, best practices suggest that a student's interests are better served by meeting sooner rather than later with respect to the results of an FIE.

