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Section 1. - INTERVENTION / REFERRAL

I. PRIOR TO INITIAL REFERRALS TO SPECIAL EDUCATION

It is very important that the Special Education Department work closely with General Education to ensure that all possible avenues of interventions have been explored prior to a referral to determine the existence of a disability and special education services needed. The federal law has some requirements to consider. Below are listed some of the regulations.

Title I – Amendments to the Individuals with Disabilities Education Act (IDEA) “Part A-General Provisions

118 Statute 2647 - Sec. 601 (c) Findings – Congress finds the following:

- (5) Almost 30 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by –
- (A) having high expectations for such children and ensuring their access to the general education curriculum in the regular classroom, to the maximum extent possible;
 -
 - (E) supporting high quality, intensive preservice preparation and professional development for all personnel who work with children with disabilities in order to ensure that such personnel have the skills and knowledge necessary to improve the academic achievement and functional performance of children with disabilities, including the use of scientifically based instructional practices;
 - (F) providing incentives for whole-school approaches, scientifically based early reading programs, positive behavioral interventions and supports, and early intervening services to reduce the need to label children as disabled in order to address the learning and behavioral needs of such children.

§300.35 Scientifically based research. Scientifically based research has the meaning given the term in section 9101(37) of the ESEA. (Authority: 20 U.S.C. 1411(e)(2)(C)(xi))

ESEA section 9101 (37)

(37) SCIENTIFICALLY BASED RESEARCH- The term scientifically based research —

- (A) means research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs; and
- (B) includes research that —
 - (i) employs systematic, empirical methods that draw on observation or experiment;
 - (ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;
 - (iii) relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;
 - (iv) is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;
 - (v) ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; and
 - (vi) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

§300.309 Determining the existence of a specific learning disability.

- (b) To ensure that underachievement in a child suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group must consider, as part of the evaluation described in §§ 300.304 through 300.306 -

- (1) Data that demonstrate that prior to, or as a part of the referral process, the child was provided appropriate instruction delivered by qualified personnel; and
 - (2) Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the child's parents.
- (c) The Perryton Special Education SSA must promptly request parental consent to evaluate the child to determine if the child needs special education and related services, and must adhere to the timeframes described in § § 300.301 and 300.303, unless extended by mutual agreement of the child's parents and a group of qualified professionals, as described in 300.306(a)(1)--
- (1) If, prior to a referral, the child has not made adequate progress after an appropriate period of time, when provided instruction, as described in paragraphs (b)(1) and (2) of this section; and
 - (2) Whenever a child is referred for an evaluation.

The local RtI Committee is responsible for clearly documenting §300.309 (b)(1)(2) prior to making a referral to the special education department for evaluation of a student suspected of having a learning disability. If the Perryton Special Education SSA special education department receives a referral from the RtI Committee and this section of IDEA §300.309 (b)(1)(2) has not been addressed, the special education department is obligated by the Federal Regulation to return the referral to the RtI Committee for further discussion and implementation of appropriate instruction to support the student prior to a referral to special education for initial evaluation. There are a few exceptions such as specific child find cases and parent referrals.

Specific Learning Disability is also found in Section 3 – Disability Criteria.

TEC §26.004. ACCESS TO STUDENT RECORDS.

- (a) In this section, "intervention strategy" means a strategy in a multi-tiered system of supports that is above the level of intervention generally used in that system with all children. The term includes response to intervention and other early intervening strategies.
- (b) A parent is entitled to access to all written records of a school district concerning the parent's child, including:
- (1) attendance records;
 - (2) test scores;
 - (3) grades;
 - (4) disciplinary records;
 - (5) counseling records;
 - (6) psychological records;
 - (7) applications for admission;
 - (8) health and immunization information;
 - (9) teacher and school counselor evaluations;
 - (10) reports of behavioral patterns; and
 - (11) records relating to assistance provided for learning difficulties, including information collected regarding any intervention strategies used with the child.

TEC §26.0081. RIGHT TO INFORMATION CONCERNING SPECIAL EDUCATION AND EDUCATION OF STUDENTS WITH LEARNING DIFFICULTIES.

- (a) The agency shall produce and provide to school districts sufficient copies of a comprehensive, easily understood document that explains the process by which an individualized education program is developed for a student in a special education program and the rights and responsibilities of a parent concerning the process. The document must include information a parent needs to effectively participate in an admission, review, and dismissal committee meeting for the parent's child.
- (b) The agency will ensure that each school district provides the document required under this section to the parent as provided by 20 U.S.C. Section 1415(b):
- (1) as soon as practicable after a child is referred to determine the child's eligibility for admission into the district's special education program, but at least five school days before the date of the initial meeting of the admission, review, and dismissal committee; and
 - (2) at any other time on reasonable request of the child's parent.
- (c) The agency shall produce and provide to school districts 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. The explanation must state that a parent is entitled at any time to request an evaluation of the parent's child for special education services under Section 29.004 or for aids, accommodations, or services under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794). Each school year, each district shall provide the written

explanation to a parent of each district student by including the explanation in the student handbook or by another means.

- (d) Each school year, each school district shall notify a parent of each child, other than a child enrolled in a special education program under Subchapter A, Chapter 29, who receives assistance from the district for learning difficulties, including through the use of intervention strategies, as that term is defined by Section 26.004, that the district provides that assistance to the child. The notice must:
- (1) be provided when the child begins to receive the assistance for that school year;
 - (2) be written in English or, to the extent practicable, the parent's native language; and
 - (3) include:
 - (A) a reasonable description of the assistance that may be provided to the child, including any intervention strategies that may be used;
 - (B) information collected regarding any intervention in the base tier of a multi-tiered system of supports that has previously been used with the child;
 - (C) an estimate of the duration for which the assistance, including through the use of intervention strategies, will be provided;
 - (D) the estimated time frames within which a report on the child's progress with the assistance, including any intervention strategies used, will be provided to the parent; and
 - (E) a copy of the explanation provided under Subsection (c).
- (e) The notice required under Subsection (d) may be provided to a child's parent at a meeting of the team established for the child under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), if applicable.

If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

TEC §42.006. PUBLIC EDUCATION INFORMATION MANAGEMENT SYSTEM (PEIMS).

- (a-3) The commissioner by rule shall require each school district and open-enrollment charter school to annually report through the Public Education Information Management System information regarding the total number of students, other than students described by Subsection (a-4), enrolled in the district or school with whom the district or school, as applicable, used intervention strategies, as that term is defined by Section 26.004, at any time during the year for which the report is made. The agency shall maintain the information provided in accordance with this subsection.
- (a-4) The commissioner by rule shall require each school district and open-enrollment charter school to annually report through the Public Education Information Management System information regarding the total number of students enrolled in the district or school to whom the district or school provided aids, accommodations, or services under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), at any time during the year for which the report is made. The agency shall maintain the information provided in accordance with this subsection.

SECTION 5. This Act applies beginning with the 2017-2018 school year.

SECTION 6. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

TAC §89.1011. Full Individual and Initial Evaluation.

- (a) Referral of students for a full individual and initial evaluation for possible special education services must be a part of the Perryton Special Education SSA's overall, general education referral or screening system. Prior to referral, 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 scientific, research-based intervention; and other academic or behavior support services. If the student continues to experience difficulty in the general classroom after the provision of interventions, district personnel must refer the student for a full individual and initial evaluation. This referral for a full individual and initial evaluation may be initiated by school personnel, the student's parents or legal guardian, or another person involved in the education or care of the student.
- (b) If a parent submits a written request to a school district's director of special education services or to a district administrative employee for a full individual and initial evaluation of a student, the school district must, not later than the 15th school day after the date the district receives the request:
- (1) provide the parent with prior written notice of its proposal to conduct an evaluation consistent with 34 Code of Federal Regulations (CFR), §300.503; a copy of the procedural safeguards notice required by 34 CFR, §300.504; and an opportunity to give written consent for the evaluation; or
 - (2) provide the parent with prior written notice of its refusal to conduct an evaluation consistent with 34 CFR, §300.503, and a copy of the procedural safeguards notice required by 34 CFR, §300.504.

For TAC §89.1011 in its entirety, see V. TIMELINE - in this Section 1.

The Perryton Special Education SSA will use the RtI Committee to consider all intervention services provided, all scientifically based reading or other programs used, any support services available to all students prior to referral for special education evaluation. Interventions such as tutorials, remedial support, compensatory support, and other services will be considered and documented in detail by the RtI Committee prior to referral for special education evaluation.

II. APPROPRIATE STUDENT REFERRALS FOR SPECIAL EDUCATION

Children residing within or attending a private school within the Perryton Special Education SSA who are suspected of having a disability may be referred by the RtI Committee for special education evaluation.

- a. For school-age children, intervention services must be documented by the RtI Committee.*
- b. For school-age children, the suspected disability must be interfering with the student's educational progress in order to warrant a referral.*
- c. Students who are not currently enrolled on a campus in Perryton Special Education SSA may also be referred by the principal, designee of the student's school/private school, physician, parent, etc.*
- d. Students who are new to Perryton Special Education SSA and have been receiving special education services in the student's previous district will not go through the referral process. (see Transfers/Temporary Placement in this section and ARD/IEP Section 4).*

TAC § 89.1035. Age Ranges for Student Eligibility.

- (a) Pursuant to state and federal law, services provided in accordance with this subchapter must be available to all eligible students ages 3-21. Services will be made available to eligible students on their third birthday. Graduation with a regular high school diploma pursuant to §89.1070 (b)(1), (b)(2)(D), (g)(1), (g)(2), (g)(3), or (g)(4)(D) of this title (relating to Graduation Requirements) terminates a student's eligibility to receive services in accordance with this subchapter. An eligible student receiving special education services who is 21 years of age on September 1 of a school year will be eligible for services through the end of that school year or until graduation with a regular high school diploma pursuant to §89.1070 (b)(1), (b)(2)(D), (g)(1), (g)(2), (g)(3), or (g)(4)(D) of this title, whichever comes first.
- (b) In accordance with the Texas Education Code (TEC), § 29.003, 30.002(a), and 30.081, a free, appropriate, public education must ~~shall~~ be available from birth to students with visual or auditory impairments. *(See Disability Criteria Section 3 for: TAC § 89.1040. Eligibility Criteria)*

III. MEMBERSHIP OF THE RTI COMMITTEE

- a. The membership in the district's overall general education screening system is determined by local campus administration unless specified in Perryton Special Education SSA policy.*
- b. Special education personnel may participate on, but not be assigned primary responsibility for the RtI Committee.*
- c. Special education personnel may be involved in collecting referral data but ONLY for the following students:*
 - 1. students who are hospitalized, institutionalized, or admitted to treatment centers.*
 - 2. students with multiple-disabilities*
 - 3. eligible students with disabilities new to a district*
 - 4. students referred to special education during the summer*

IV. GENERAL EDUCATION RESPONSIBILITIES

- a. *The general education teacher will consider the student experiencing difficulty in the general classroom for all support services available to all students such as tutorial, remedial, compensatory, and other services.*
- b. *The general education teacher will discuss, consider, and document student educational concerns and all educational alternatives and options available and those tried, the amount of time tried, and reasons why those tried did not work. For students referred with a suspected learning disability, data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, must have been documented and provided to the child's parents prior to referral for special education evaluation.*
- c. *If the options tried were not successful, the Perryton Special Education SSA referral forms required are outlined in the directions of the referral packet. All required information except "consent to evaluate" will be completed by the local campus staff with appropriate signatures and dates after the committee has invited the campus educational diagnostician to meet with them so they can review their data and request for special education assessment. The educational diagnostician will meet with the parent, explain the process and secure a signature on the "Consent to Evaluate". The diagnostician will at this point give the parent a required copy of Procedural Safeguards the TEA publication "A Guide to the Admission, Review and Dismissal Process". The student's referral data shall be maintained for documentation purposes within the special education student's eligibility folder. **Under no circumstance** should "Consent to Evaluate" be signed before the educational diagnostician has been part of the RtI committee discussion and approves the referral based on data presented at that meeting.*
- d. *For students whose Home Language Survey is other than English, in addition to the sp. ed referral packet there must be a LPAC report, LAS or the equivalent, and time in ESL program and type of program (direct services, consult, etc). The student should have been tested in English and their primary language. The diagnostician may request a recent Woodcock-Munoz.*

The Perryton SSA will determine the manner in which referral packets are given to campuses. Generally the referral packets will be housed with the counselor or chairman of RtI. The referral packet will NOT contain a "Consent to Test".

V. TIMELINE – INITIAL REFERRAL TO EVALUATION

§ 300.301 Initial evaluations.

- (a) **General.** Perryton Special Education SSA must conduct a full and individual initial evaluation, in accordance with §§300.305 and 300.306, before the initial provision of special education and related services to a child with a disability under this part.
- (b) **Request for initial evaluation.** Consistent with the consent requirements in §300.300, either a parent of a child, or Perryton Special Education SSA, may initiate a request for an initial evaluation to determine if the child is a child with a disability.
- (c) **Procedures for initial evaluation.** The initial evaluation--
- (1) (i) Must be conducted within 60 days of receiving parental consent for the evaluation; or
 - (ii) If the State establishes a timeframe within which the evaluation must be conducted, within that timeframe; and
 - (2) Must consist of procedures--
 - (i) To determine if the child is a child with a disability under §300.8; and
 - (ii) To determine the educational needs of the child.
- (d) **Exception.** The timeframe described in paragraph (c)(1) of this section shall not apply to Perryton Special Education SSA if--
- (1) The parent of a child repeatedly fails or refuses to produce the child for the evaluation; or
 - (2) A child enrolls in a school of another public agency after the relevant timeframe in paragraph (c)(1) of this section has begun, and prior to a determination by the child's previous public agency as to whether the child is a child with a disability under § 300.8.
- (e) The exception in paragraph (d)(2) of this section applies only if the subsequent public agency is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent public agency agree to a specific time when the evaluation will be completed. (Authority: 20 U.S.C. 1414(a))

TEC§ 29.004 Full and Individual Initial Evaluation (authorizing statute for §89.1011)

- (a) A written report of a full individual and initial evaluation of a student for purposes of special education services shall be completed as follows, except as otherwise provided by this section:
- (1) not later than the 45th school day following the date on which the school district, in accordance with 20 U.S.C. Section 1414(a), as amended, receives written consent for the evaluation, signed by the student's parent or legal guardian, except that if a student has been absent from school during that period on three or more days, that period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent; or
 - (2) for students under five years of age by September 1 of the school year and not enrolled in public school and for students enrolled in a private or home school setting, not later than the 45th school day following the date on which the school district receives written consent for the evaluation, signed by a student's parent or legal guardian.
- (a-1) If a school district receives written consent signed by a student's parent or legal guardian for a full individual and initial evaluation of a student 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 or legal guardian not later than June 30 of that year. The student's admission, review, and dismissal committee shall meet not later than the 15th school day of the following school year to consider the evaluation. If a district receives written consent signed by a student's parent or legal guardian less than 35 school days before the last instructional day of the school year or if the district 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, Subsection (a)(1) applies to the date the written report of the full individual and initial evaluation is required.
- (a-2) For purposes of this section, "school day" does not include a day that falls after the last instructional day of the spring school term and before the first instructional day of the subsequent fall school term. The commissioner by rule may determine days during which year-round schools are recessed that, consistent with this subsection, are not considered to be school days for purposes of this section.

- (a-3) Subsection (a) does not impair any rights of an infant or toddler with a disability who is receiving early intervention services in accordance with 20 U.S.C. Section 1431.
- (b) The evaluation shall be conducted using procedures that are appropriate for the student's most proficient method of communication.
- (c) If a parent or legal guardian makes a written request to a school district's director of special education services or to a district administrative employee for a full individual and initial evaluation of a student, the district shall, not later than the 15th school day after the date the district receives the request:
- (1) provide an opportunity for the parent or legal guardian to give written consent for the evaluation; or
 - (2) refuse to provide the evaluation and provide the parent or legal guardian with notice of procedural safeguards under 20 U.S.C. Section 1415(b).

SECTION 2. Section 29.004, Education Code, as amended by this Act, applies to completion of a report of a full individual and initial evaluation of a public school student for purposes of special education services only as to an initial evaluation performed on or after September 1, 2013.

SECTION 3. This Act takes effect September 1, 2013.

TAC §89.1011. Full Individual and Initial Evaluation.

- (a) Referral of students for a full individual and initial evaluation for possible special education services must be a part of the Perryton Special Education SSA's overall, general education referral or screening system. Prior to referral, 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 scientific, research-based intervention; and other academic or behavior support services. If the student continues to experience difficulty in the general classroom after the provision of interventions, district personnel must refer the student for a full individual and initial evaluation. This referral for a full individual and initial evaluation may be initiated by school personnel, the student's parents or legal guardian, or another person involved in the education or care of the student.
- (b) If a parent submits a written request to a school district's director of special education services or to a district administrative employee for a full individual and initial evaluation of a student, the school district must, not later than the 15th school day after the date the district receives the request:
- (1) provide the parent with prior written notice of its proposal to conduct an evaluation consistent with 34 Code of Federal Regulations (CFR), §300.503; a copy of the procedural safeguards notice required by 34 CFR, §300.504; and an opportunity to give written consent for the evaluation; or
 - (2) provide the parent with prior written notice of its refusal to conduct an evaluation consistent with 34 CFR, §300.503, and a copy of the procedural safeguards notice required by 34 CFR, §300.504.
- (c) Except as otherwise provided in this section, a written report of a full individual and initial evaluation of a student must be completed as follows:
- (1) not later than the 45th school day following the date on which the school district receives written consent for the evaluation from the student's parent, except that if a student has been absent from school during that period on three or more school days, that period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent; or
 - (2) for students under five years of age by September 1 of the school year and not enrolled in public school and for students enrolled in a private or home school setting, not later than the 45th school day following the date on which the school district receives written consent for the evaluation from the student's parent.
- (d) The admission, review, and dismissal (ARD) committee must make its decisions regarding a student's initial eligibility determination and, if appropriate, individualized education program (IEP) and placement within 30 calendar days from the date of the completion of the written full individual and initial evaluation report. If the 30th day falls during the summer and school is not in session, the student's ARD committee has until the first day of classes in the fall to finalize decisions concerning the student's initial eligibility determination, IEP, and placement, unless the full individual and initial evaluation indicates that the student will need extended school year services during that summer.
- (e) Notwithstanding the timelines in subsections (c) and (d) of this section, if the school district received the written consent for the evaluation from the student's parent at least 35 but less than 45 school days before the last instructional day of the school year, the written report of a full individual and initial evaluation of a student must be provided to the student's parent not later than June 30 of that year. The student's ARD committee must meet not later than the 15th school day of the following school year to consider the evaluation. If, however, the student was absent from school three or more days between the time that the school district received written consent and the last instructional day of the school year, the timeline in

subsection (c)(1) of this section applies to the date the written report of the full individual and initial evaluation is required.

- (f) If a student was in the process of being evaluated for special education eligibility by a school district and enrolls in another school district before the previous school district completed the full individual and initial evaluation, the new school district must coordinate with the previous school district as necessary and as expeditiously as possible to ensure a prompt completion of the evaluation in accordance with 34 CFR, §300.301(d)(2) and (e) and §300.304(c)(5). The timelines in subsections (c) and (e) of this section do not apply in such a situation 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.
- (g) For purposes of subsections (b), (c), and (e) of this section, school day does not include a day that falls after the last instructional day of the spring school term and before the first instructional day of the subsequent fall school term.
- (h) For purposes of subsections (c)(1) and (e) of this section, a student is considered absent for the school day if the student is not in attendance at the school's official attendance taking time or at the alternate attendance taking time set for that student. A student is considered in attendance if the student is off campus participating in an activity that is approved by the school board and is under the direction of a professional staff member of the school district, or an adjunct staff member who has a minimum of a bachelor's degree and is eligible for participation in the Teacher Retirement System of Texas.

§ 300.302 Screening for instructional purposes is not evaluation.

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services. (Authority: 20 U.S.C. 1414(a)(1)(E))

VI. SPECIAL EDUCATION DEPARTMENT RESPONSIBILITIES

A. Referral Packet

1. *When the RtI Committee has completed the intervention process and met to discuss the data, determined that a referral for special education eligibility is a possibility, they invite the diagnostician to a data sharing meeting. At that time the diagnostician will assist in determining whether a referral should go forward. If a referral is to go forward the campus will be responsible for completing the Referral Packet which includes but is not limited to: Cover/check sheet, Classroom Observation, Health Information, Home Language Survey, Parent Information, ESL/Bilingual/LPAC, SHARS, and Summary of RtI Data.*
2. *The Diagnostician will meet with or visit with the parent, explain the evaluation process, secure parent signature on "Consent to Evaluate" and on Receipt for these two required TEA documents: Procedural Safeguards as well as A Guide to the Admission, Review and Dismissal Process*
3. *The special education Referral packet is sent to the SSA office and logged in by diagnostician as received and the date the FIE is due.*
4. *The evaluation person determines evaluation needed and contacts appropriate special education personnel to assist and/or conduct evaluation (if student is suspected of having an auditory impairment (AI), visual impairment (VI), bilingual, etc.)*
5. *The evaluation person conducts the evaluation and completes the Full and Individual Evaluation (FIE) written report. The appropriate campus personnel who send the Notice of ARD Meeting are notified when the report is completed.*

B. Schedule ARD/IEP Meeting

The person (usually the special education teacher) designated by the principal on each campus notifies the principal that the data collection, and evaluation (FIE) is complete and ready for the ARD/IEP committee's review. The designated person schedules the ARD/IEP meeting and sends the Notice of ARD/IEP Meeting to the parent and notifies other required participants. (See Procedural Safeguards, section 7 of this manual, for specific requirements on Notice.) The parent must be provided the Notice of ARD/IEP Meeting at least 5 school days prior to the date of the meeting. The parents may waive the 5 day notice if they choose..

C. Timeline for ARD/IEP Meeting

TAC § 89.1011 (d)

The admission, review, and dismissal (ARD) committee must make its decisions regarding a student's initial eligibility determination and, if appropriate, individualized education program (IEP) and placement within 30 calendar days from the date of the completion of the written full individual and initial evaluation report. If the 30th day falls during the summer and school is not in session, the student's ARD committee has until the first day of classes in the fall to finalize decisions concerning the student's initial eligibility determination, IEP, and placement, unless the full individual and initial evaluation indicates that the student will need extended school year services during that summer.

For the entire content of TAC §89.1011 please look above at V. TIMELINE and you will see all of TAC §89.1011(a - h).

D. Transfers from Outside the District – already in Special Education

For students who are new to Perryton Special Education SSA and have received special education services in the student's previous school district, regular referral procedures are bypassed. Procedures to be followed are included in the ARD/IEP Section 4 of this manual under Transfers/Temporary ARD.

VII. REFERRALS FOR SPECIFIC AREAS:

§ 300.305 Additional requirements for evaluations and reevaluations.

- (a) **Review of existing evaluation data.** As part of an initial evaluation (if appropriate) and as part of any reevaluation under this part, the IEP Team and other qualified professionals, as appropriate, must--
- (1) Review existing evaluation data on the child, including—
 - (i) Evaluations and information provided by the parents of the child;
 - (ii) Current classroom-based local or State assessments, and classroom-based observations; and
 - (iii) Observations by teachers and related services providers; and
 - (2) On the basis of that review, and input from the child's parents, identify what additional data, if any, are needed.....

(for entire text, see Section 2 – FIE)

Any evaluation of an existing special education student is NOT a referral but is a reevaluation and should follow all requirements of 300.305 found in Section 2 of FIE.

A. Adapted Physical Education (APE)

§ 300.108 Physical education.

The TEA must ensure that public agencies in the State comply with the following:

- (a) **General.** Physical education services, specially designed if necessary, must be made available to every child with a disability receiving FAPE, unless the Perryton Special Education SSA enrolls children without disabilities and does not provide PE to children without disabilities in the same grades.
- (b) **Regular physical education.** Each child with a disability must be afforded the opportunity to participate in the regular physical education program available to nondisabled children unless--
 - (1) The child is enrolled full time in a separate facility; or
 - (2) The child needs specially designed physical education, as prescribed in the child's IEP.
- (c) **Special physical education.** If specially designed physical education is prescribed in a child's IEP, the public agency responsible for the education of that child must provide the services directly or make arrangements for those services to be provided through other public or private programs.
- (d) **Education in separate facilities.** The public agency responsible for the education of a child with a disability who is enrolled in a separate facility must ensure that the child receives appropriate physical education services in compliance with this section.

(Authority: 20 U.S.C. 1412(a)(5)(A))

1. All students referred for adapted physical education evaluation must have an identified disability.

A. The request for an adapted physical education evaluation must be made by the RtI Committee upon initial referral or by the student's ARD/IEP committee when the members feel there is a need.

B. The evaluation person will monitor the referral and forward the request for APE screening/evaluation to the appropriate person.

2. A written report from the adapted physical education evaluation personnel, often times the physical therapist, will be made available for ARD/IEP committee consideration and action.

3. For more information see (Section 5 – Instructional Arrangements/Service Delivery)

B. Assistive Technology *(For more information see also FIE Section 2 and ARD/IEP Section 4)*

1. The RtI Committee typically does not address specific Assistive Technology recommendations because all evaluations will address Assistive Technology needs for the student. Referral for any additional, specific AT evaluations generally are made by the ARD/IEP Committee after an FIE has been completed and reviewed.

2. FIE (Full and Individual Evaluation) - The ARD/IEP Committee will first review the recommendations from the most recent FIE (Full and Individual Evaluation). Assistive technology needs will be discussed and consideration given to the competencies, strengths and weaknesses, and recommendations from the evaluation report.

3. The ARD/IEP Committee may recommend additional fromal evaluation by ASSIST, the technology assistance team. T

4. *ASSIST, the technology assistance team may include any of the following professionals: Occupational Therapist, Physical Therapist, Speech Pathologist, Diagnostician, Vision Teacher; others as needed.*
5. *If the technology assistance team (ASSIST) is requested for an evaluation, the team member(s) will make written recommendations in an evaluation report for assistive technology services or devices including specific modifications which are needed to implement the student's individual education plan. The ARD/IEP Committee will then consider the recommendations.*
6. *Recommendations for assistive technology for all students from the ARD/IEP Committee meetings will be logged and tracked by the campus designee and/or SSA director to assure follow up occurs in ordering of material, any training required, etc.*

C. Attention Deficit Disorder / Attention Deficit with Hyperactivity Disorder

If the general education staff has documented evidence the student exhibits ADD/ADHD behaviors/symptoms, it is important to remember when conferencing with parent:

1. *discuss the educational needs with parent and instructional strategies implemented and need for referral to the RtI Committee – do not provide information on a specific type of disability which is not your area of expertise and training, etc.;*
2. *discuss other information or factors occurring in the home;*
3. *the OHI Disability Report for the physician is not to be provided to the parent by the general education staff or the RtI Committee.*

If the RtI Committee or the ARD/IEP Committee makes the referral for special education evaluation: The Multidisciplinary Team (referring teacher, special education teacher and diagnostician) will meet to review existing evaluation data, determine appropriate evaluation measures, conduct the evaluation and determine if student meets criteria as a student with a disability. Comprehensive evaluation procedures will be followed as outlined in sections 2-3 of the Operating Guidelines. If the student data indicates a possibility of ADD, the team may recommend that the Other Health Impaired (OHI) eligibility be pursued.

§ 300.306 Determination of eligibility.

(b) Special rule for eligibility determination. A child must not be determined to be a child with a disability under this part--

(1) If the determinant factor for that determination is--

- (i) Lack of appropriate instruction in reading, including the essential components of reading instruction (as defined in section 1208(3) of the ESEA); *see section 2 of Operating Guidelines***
- (ii) Lack of instruction in math; or**
- (iii) Limited English proficiency; and**

(2) If the child does not otherwise meet the eligibility criteria under § 300.8(a). *see section 3*

TAC § 38.016. Psychotropic Drugs and Psychiatric Evaluations or Examinations.

(a) In this section:

- (1) "Parent" includes a guardian or other person standing in parental relation.**
- (2) "Psychotropic drug" means a substance that is:**
 - (A) used in the diagnosis, treatment, or prevention of a disease or as a component of a medication; and**
 - (B) intended to have an altering effect on perception, emotion, or behavior.**

(b) A school district employee may not:

- (1) recommend that a student use a psychotropic drug; or**
- (2) suggest any particular diagnosis; or**
- (3) use the refusal by a parent to consent to administration of a psychotropic drug to a student or to a psychiatric evaluation or examination of a student as grounds, by itself, for prohibiting the child from attending a class or participating in a school related activity.**

(c) Subsection (b) does not:

- (1) prevent an appropriate referral under the child find system required under 20 U.S.C. Section 1412, as amended; or**
- (2) prohibit a school district employee who is a registered nurse, advanced nurse practitioner, physician, or certified or appropriately credentialed mental health professional from recommending that a child be evaluated by an appropriate medical practitioner; or**

- (3) prohibit a school employee from discussing any aspect of a child's behavior or academic progress with the child's parent or another school district employee.
- (d) The board of trustees of each school district shall adopt a policy to ensure implementation and enforcement of this section.
- (e) An act in violation of Subsection (b) does not override the immunity from personal liability granted in Section 22.0511 or other law or the district's sovereign and governmental immunity.

If OHI pursued:

1. *the disability forms must be completed by a medical doctor.*
2. *the medical forms are for diagnosis only - we do not pursue medication;*
3. *if the parent has a doctor who knows the child and would be willing (knowledgeable) to fill out forms, that avenue may be pursued.*
4. *the medical doctor is just one member of the multidisciplinary team*

Caution: Remember that a student may be diagnosed by a physician as having ADD or ADHD but the student may not necessarily have an educational need for special education services. Needs of some students may be addressed by the local campus Section 504 committee or classroom strategies. If you have any questions, please review with your Perryton Special Education SSA campus personnel or call the Perryton Special Education SSA special education office.

D. Early Childhood Intervention (ECI) *(see also section H. for PPCD information)*

For the Memorandum of Understanding (MOU) with the TEA and specific referral information, refer to the MOU in its entirety at:

http://tea.texas.gov/Curriculum_and_Instructional_Programs/Special_Education/Programs_and_Services/Early_Transition_Memorandum_of_Understanding/

ECI is a coordinated system of services available in every county within Texas for children birth to age three with disabilities or delays. ECI is funded through the federal Individuals with Disabilities Education Act (IDEA, Part C), P.L. 105-17 and through state appropriations. ECI supports families to help children reach potential through developmental services. ECI contracts with local agencies and organizations through a funding application process.

ECI staff may include physical therapists, occupational therapists, speech and language therapists, audiologists, educators, social workers, nurses, dieticians, psychologists, licensed professional counselors, and early intervention specialists. ECI programs must follow the Texas Early Childhood Intervention Policy Manual.

The local ECI programs must identify, locate, and screen or evaluate all infants and toddlers, birth through two years of age, who have or are suspected of having developmental delays.

Before notifying the appropriate LEA that a child is potentially eligible for Part B services, the ECI program provides written notification to the child's parent advising the parent of:

- a. The information that will be disclosed, including the limited personally identifiable information (child's name, child's date of birth, parent's name, address, and telephone number), the service coordinator's name, and the child's home language; and
- b. The right to opt out of the disclosure by submitting a written request to Opt Out of the Notification to the ECI program (CFR) §303.209 and the timelines specified in the 40 TAC, Chapter 108 before the notification is scheduled to be sent;

For a child whose parent has not opted out of the disclosure within the prescribed timeline, the ECI program notifies the LEA at least 90 days before the child's third birthday that the child is potentially eligible for Part B services; An IEP is developed and implemented for Part B eligible children by their third birthday; The ARD committee determines the start date of the IEP if the child's birthday occurs during the summer. Services will begin by the first day of school, or earlier as determined and stated on the IEP; and For children transitioning from Part C services to Part B services, the ARD committee considers an IFSP that contains the IFSP content including the natural environments statement, described in 34 CFR §303.344, and that is developed in accordance with the IEP procedures under 34 CFR §300.323(b) when developing the initial IEP.

Key Elements of Early Transition (KEET): A Guide for Planning, Implementing, and Evaluating Smooth and Effective Transitions for Children and their Families from Local Early Childhood Intervention Contracted Programs to Local Preschool Programs for Children with Disabilities. This document provides a framework of the 16 key elements of early transition to assist LEAs and ECI contractors in developing a collaborative child find system for children who leave Early Childhood Intervention (ECI) services and enter the public school Preschool Program for Children with Disabilities (PPCD). The 16 key elements are listed in chronological order and each is accompanied by its corresponding reference(s) in the Individuals with Disabilities Education Improvement Act (IDEA) 2004, the Code of Federal Regulations (CFR), the Texas Administrative Code (TAC), the State Performance Plan (SPP), and/or TEA/DARS Early Transition Memorandum of Understanding (ECI MOU). Acronyms that are used throughout the guide are listed at the end of the document.

<https://hhs.texas.gov/services/disability/early-childhood-intervention-services>

The Perryton Special Education SSA will transition students from ECI to PPCD as required. Parents are provided a document from the ECI staff that describes the process. The document: Beyond ECI is located on this link in English and Spanish.

E. Homebound Instruction (see also *Instructional Arrangement Section 5*)

General Education Homebound (GEH)

Any general education student should be referred to the local campus GEH committee. A general education student who is served through the GEH program must meet the following three criteria:

- 1. is expected to be confined at home or hospital bedside for a minimum of four weeks;*
- 2. for medical reasons only;*
- 3. medical condition is documented by a physician licensed to practice in the United States.*
Student Attendance Accounting Manual - Section III (3.7)

Special Education Homebound – The student has already been determined to be a student with a disability and the student is receiving special education services. The Perryton Special Education SSA will not use the referral committee or a referral packet in this situation.

1. Parent Responsibilities:

- a. Contact the campus principal / special education teacher.*
- b. Share new medical developments.*

2. School Responsibility:

- a. Obtain parent information and the Physician's Report. The report states the medical reason for homebound confinement and the amount of time suggested by the physician.*
- b. Schedule an ARD/IEP meeting to discuss student's educational needs.*
- c. Any student who is placed in the special education homebound instructional arrangement/setting must meet the following four criteria:*
 - be eligible for special education and related services as determined by an ARD committee;*
 - is expected to be confined at home or hospital bedside for a minimum of four weeks;*
 - for medical reasons only (unless the child is 0 – 5 years of age);*
 - medical condition is documented by a physician licensed to practice in the United States. 19 TAC § 89.63(c)(2)(A)*
- d. (see also Instructional Arrangement Section 5)*

F. Limited English Proficient (LEP)

(See also Home Language Survey and LPAC in this Referral Section). Additional LPAC guidance on TEA website.

<http://programs.esc20.net/default.aspx?name=lpac.framework>

<http://tea.texas.gov/student.assessment/ell/lpac/>

1. For all LEP (Limited English Proficient) Students:

- A. The LPAC report, which must have been completed within the past year, must be included with the referral packet. The student should have been tested in English and their primary language.*
- B. Referral information will include: Initial special ed referral packet information as well as the following: LPAC report, LAS scores or equivalent test, amount of time in ESL, new copy of Home*

Language Survey.

C. When the packet is verified, the campus rep./counselor gives the packet to the Perryton Special Education SSA office/diagnostician.

2. *Speech only referral:* *(for these guidelines, Spanish is referenced as the other language)*

A. (LANGUAGE) The language proficiency assessment (ex. LAS, IDEA, other) should be considered with regard to the following:

- i. If the student is proficient in English and has a lower proficiency in Spanish, the normal procedures for the speech pathologist evaluations are followed.*
- ii. If the student is proficient in Spanish and not in English, typically this would not be an appropriate referral. The speech pathologist will write the evaluation report (using information from the cumulative folder) and proceed to ARD.*
- iii. If the student is barely proficient in both languages, consult with the Director of Perryton Special Education SSA or diagnostician before proceeding.*
- iv. If the student is proficient in both languages, normal procedures in English may be followed.*

B. (ARTICULATION) The articulation evaluation should be considered with regard to the following: If the student is misarticulating sounds that are different or not present in Spanish but are in English, therapy would not be appropriate.

3. *Other Referrals (LD, MR, etc.):*

A. The language evaluation (ex. LAS, IDEA) should be considered with regard to the following:

- i. If the student is proficient in English and lower in Spanish, the usual procedures for testing are followed.*
- ii. If the student is proficient in Spanish and not in English, typically this will be an inappropriate referral for a Learning Disability. This type of profile is usually an indication that the child needs more time to learn English. The diagnostician will write the FIE or full and individual evaluation report (using information from the cumulative folder) and proceed to ARD. If the student is to be considered for a physical, mental or emotional disability, collaboration with peer evaluators is necessary.*
- iii. If the student is barely proficient in both languages, consult with the Special Education Coordinator or Director before proceeding.*
- iv. If the student is above proficient in both languages, normal procedures in English may be followed.*

*B. **If the student is not proficient in either language, a bilingual assessment should be requested.** Consideration should be given to the following:*

- i. Students who have been in English speaking schools for less than two years should be given careful consideration relative to referral.*
- ii. If the student has received English instruction for two or more years and there is no evidence of previous academic instruction in Spanish or another language, the LPAC may recommend testing in English or use of an interpreter.*

G. Occupational Therapy and / or Physical Therapy

- 1. The RtI Committee does not refer students for OT or PT because a student must already be eligible for special education services before he/she can be referred for an occupational and/or physical therapy screening or evaluation.*
- 2. A student may be referred by the ARD/IEP meeting after review of existing evaluation data and planning the evaluation to be completed. Also, teachers, parents, physicians, and others may request referral through the ARD.*
- 3. Occupational and/or physical therapy services are provided to students whose disability, as determined through evaluation, interferes with their ability to benefit from educational programming.*
- 4. The diagnostician is the designated person to monitor the referrals and assure notice and consent has been given to the parents. The diagnostician or director will submit the following forms to the therapist when referring a student:*
 - A. Completed Notice and Consent for a Full and Individual Evaluation;*
 - B. OT/PT Therapy Referral/Screening Form (completed by parent, teacher, counselor, diagnostician, etc.);*

- C. OT/PT Medical Prescription. (This form must be completed by a physician with approval for therapy services to be provided. This must be received by the therapist before any services can be initiated.)*
- D. In our district, a prescription for treatment is required for evaluation and therapy services for all Physical Therapy and in some instances for Occupational Therapy.*
5. *Description of Therapy Services*
- A. Screening: This is a brief informal observation which may be used to determine if a formal evaluation is necessary. It is also used as a tool to provide helpful information about the student to the staff and parents. An ARD/IEP meeting is not necessary when a screening is completed. A parent/teacher conference may be held to discuss screening results if necessary.*
- B. Evaluation: The therapist will look at and observe the student, using standardized tests, and clinical evaluations. The evaluation will address and analyze areas that affect the student's ability to benefit from instruction. Areas included in the evaluation are:*
- i. sensorimotor functioning*
 - ii. neuromuscular abilities*
 - iii. self-care skills*
 - iv. vocational skills*
 - v. school/work activities*
 - vi. perceptual-motor skills*
- C. Recommendations: The therapist will complete the evaluation and make appropriate recommendations for the educational setting. Services will be determined by the child's need and how that need can best be met within the school, home, and community settings. An ARD/IEP meeting will be called to discuss therapist's evaluation and recommendations.*
- D. Occupational Therapy: Occupational therapy services include the evaluation, consultation, and/or direct services to individuals whose ability to cope with the tasks of living and learning is threatened or impaired by developmental deficits, environmental or sensory deprivation, physical injury, illness, or psychological disability.*
- E. Physical Therapy: Physical therapy is the art and science of evaluation, program planning, and implementation of physical or corrective conditions resulting from birth, illness, or injury. Physical therapy includes therapeutic exercise programs designed to develop or restore neuromuscular and / or sensorimotor function, relieve pain, control postural deviations, minimize disabilities, and maintain maximal performance levels within the individual's capabilities.*
- F. Students who evidence problems with one or more of the following characteristics may be referred for an OT/PT screening or evaluation:*
- i. Holding head and/or body upright*
 - ii. Using arms and hands in manipulative tasks*
 - iii. Using only one hand when both are preferable*
 - iv. Tightness or weakness in the arms or legs*
 - v. Assuming and maintaining sitting and/or standing without physical assistance.*
 - vi. Impaired walking or using a gait that limits independence in classroom or campus mobility*
 - vii. Severe eye-hand coordination*
 - viii. Oral function (chewing, sucking, swallowing, and drooling)*
 - ix. Self-care that limits independence in classroom or campus (assistance required with dressing, feeding, toileting, personal hygiene, etc.*
 - x. Uncoordinated movement (unable to walk balance beam, frequent falling)*
 - xi. Limited mobility in school (architectural barriers - stairs, narrow doorways).*

H. Preschool Program for Children with Disabilities (PPCD) *(see also section 5 of this manual)*

§ 300.124 Transition of children from the Part C program to preschool programs.

The State must have in effect policies and procedures to ensure that--

- (a) Children participating in early intervention programs assisted under Part C of the Act, and who will participate in preschool programs assisted under Part B of the Act, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(9) of the Act;**
- (b) By the third birthday of a child described in paragraph (a) of this section, an IEP or, if consistent with § 300.323(b) and section 636(d) of the Act, an IFSP, has been developed and is being implemented for the child consistent with § 300.101(b); and**

- (c) Each affected LEA will participate in transition planning conferences arranged by the designated lead agency under section 635(a)(10) of the Act.
(Authority: 20 U.S.C. 1412(a)(9))

§ 300.323 When IEPs must be in effect.

- (a) **General.** At the beginning of each school year, the Perryton Special Education SSA must have in effect, for each child with a disability within its jurisdiction, an IEP, as defined in § 300.320.
- (b) **IEP or IFSP for children aged three through five.**
- (1) In the case of a child with a disability aged three through five (or, at the discretion of the SEA, a two-year-old child with a disability who will turn age three during the school year), the IEP Team must consider an IFSP that contains the IFSP content (including the natural environments statement) described in section 636(d) of the Act and its implementing regulations (including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills for children with IFSPs under this section who are at least three years of age), and that is developed in accordance with the IEP procedures under this part. The IFSP may serve as the IEP of the child, if using the IFSP as the IEP is--
- (i) Consistent with State policy; and
- (ii) Agreed to by the agency and the child's parents.
- (2) In implementing the requirements of paragraph (b)(1) of this section, the Perryton Special Education SSA must--
- (i) Provide to the child's parents a detailed explanation of the differences between an IFSP and an IEP; and
- (ii) If the parents choose an IFSP, obtain written informed consent from the parents.

§ 300.24 Individualized family service plan. (IFSP)

Individualized family service plan or IFSP has the meaning given the term in section 636 of the Act.
(Authority 20 U.S.C. 1401(15))

§ 300.25 Infant or toddler with a disability.

Infant or toddler with a disability--

- (a) Means an individual under three years of age who needs early intervention services because the individual—
- (1) Is experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures in one or more of the areas of cognitive development, physical development, communication development, social or emotional development, and adaptive development; or
- (2) Has a diagnosed physical or mental condition that has a high probability of resulting in developmental delay; and
- (b) May also include, at a State's discretion—
- (1) At-risk infants and toddlers; and
- (2) Children with disabilities who are eligible for services under section 619 and who previously received services under Part C of the Act until such children enter, or are eligible under State law to enter, kindergarten or elementary school, as appropriate, provided that any programs under Part C of the Act serving such children shall include--
- (i) An educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills; and
- (ii) A written notification to parents of their rights and responsibilities in determining whether their child will continue to receive services under Part C of the Act or participate in preschool programs under section 619. (Authority: 20 U.S.C. 1401(16) and 1432(5))

TEC§29.009. Public Notice Concerning Preschool Programs for Students with Disabilities.

The Perryton Special Education SSA shall develop a system to notify the population in the district with children who are at least 3 years of age but younger than 6 years of age and who are eligible for enrollment in a special education program of the availability of the program.

See also the ECI Memorandum of Understanding:

http://tea.texas.gov/Curriculum_and_Instructional_Programs/Special_Education/Programs_and_Services/Early_Transition_Memorandum_of_Understanding/

See also the DARS Policy Manual <http://www.dars.state.tx.us/ecis/index.shtml>

Transition from ECI.

The transition meeting between the agency, parents and school is the cornerstone of the transition process. At the discretion of all parties, it can take place not more than 9 months prior to the third birthday but not less than 90 days before the child is eligible for the preschool services, to discuss any such services that the child may receive. The meeting provides an opportunity for the family, ECI and Perryton Special Education SSA staff to make plans regarding the transition process. The transition meeting is an opportunity to explain eligibility criteria, service options, and the IEP process. The referral to the Perryton Special Education SSA may be made before the transition meeting, during the transition meeting or after the transition meeting.

- It is important to explain to the family that a delay in providing consent for Perryton Special Education SSA involvement during the transition process may impede the implementation of timely, appropriate special education services for eligible children. The collaborative involvement of the family, ECI and Perryton Special Education SSA staff ensures that a determination is made as to whether children with disabilities are eligible for Perryton Special Education SSA special education services.*
- The timing of a child's third birthday will influence the transition process and time frame. Interagency collaboration is especially critical when the child turns three between the months of May and September. Generally, children turning three late in the school year should begin school services when they turn three. In some instances, the ARD committee, including the family, may decide that IEP services will begin at the start of the upcoming school year.*
- When a child turns three during the summer, the ARD committee, which includes the family, may begin to implement the IEP upon the start of the school year. Or, if necessary for the child to receive a free and appropriate public education (FAPE), the ARD committee may decide to begin to implement the IEP through ESY services. Note: The instructional setting code for the initial ESY services should be the same as the instructional setting code for services implemented at the beginning of the fall session. The need for ESY services must be documented from formal and /or informal evaluations provided by the Perryton Special Education SSA or the parents. Another agency or an ECI program could provide formal/and or informal evaluation information as one piece of the documentation.*
- The Perryton Special Education SSA and the ECI program will work closely to ensure that the IEP is in place for eligible children on their third birthday when a child is referred for services close to his/her third birthday.*

1. Referral from ECI (Early Childhood Intervention) Programs (all decisions will occur collaboratively between ECI staff, school staff, and the parents)

- A. Perryton Special Education SSA will complete the child centered process including evaluation and ARD. Review of existing evaluation data, all time lines and referral requirements will be followed.

 - i. When invited by the ECI service provider, the Perryton Special Education SSA representative will attend a face to face meeting held up to 9 months prior to the eligible child's third birthday*
 - ii. a referral should be made to Perryton Special Education SSA approximately 90 days prior to the student's third birthday.*
 - iii. To avoid a gap in services and to assure a smooth effective transition to the preschool program, Perryton Special Education SSA will accept appropriate evaluations from an infant program serving children with disabilities.*
 - iv. Perryton Special Education SSA will complete the referral, evaluation, and ARD/IEP process within the required time lines.*
 - v. Eligible preschool children will receive the necessary services as determined by the ARD/IEP committee beginning on their third birthday.**
- B. The ARD/IEP committee will determine eligibility, educational need and develop an IEP to determine placement.*
- C. Services to auditory or visual impairments birth through 2 are coordinated with ECI service providers in the development of the Individual Family Service Plan (IFSP) instead of an ARD/IEP.

 - i. The Perryton Special Education SSA will document services were coordinated (including copies of progress/on-site reports), and*
 - ii. The Perryton Special Education SSA has the capacity to provide services to the student throughout the year.(48 weeks)*
 - iii. Services are provided only under IDEA-C guidelines, not IDEA-B. Typical procedures followed such as: distributing Notice of Procedural Safeguards, completing the Part B referral packets, obtaining consents, and completing full and individual evaluations may not be followed. This would conflict with Part C, and cause parent confusion and may place undue hardship on parents.**

2. *Referral by Parents / Guardians / Others (children not previously served in ECI):*
 - A. *For children with suspected developmental delays birth through 2 years of age, the Perryton Special Education SSA maintain logs that document:*
 - i. *within 2 working days from the date that a "Child Find" referral is received it is forwarded to an ECI program, (the Perryton Special Education SSA will collaborate with the ECI program and determine appropriate steps based on the student age and needs), or*
 - ii. *the Perryton Special Education SSA will follow up with the ECI program to assure evaluation is completed within 45 calendar days from the date the referral is received,*
 - iii. *the ARD/IEP committee will determine eligibility, educational need and develop an IEP to determine placement prior to the third birthday.*
 - B. *For children referred prior to age 3, but less than the 90 days prior to their 3rd birthday, the Perryton Special Education SSA will complete the referral and evaluation process in a timely manner following the required referral timelines.*
 - C. *For children referred for services after their 3rd birthday, the normal referral process will be followed. The Perryton Special Education SSA may screen and use existing evaluation data to determine the child will meet eligibility. An ARD/IEP committee may temporarily place the child pending the 90 day timeline for referral, evaluation, and ARD completion.*
3. *Services: For eligible students 3 years of age and older, the Perryton Special Education SSA will develop an IEP. If a students 3rd birthday occurs during summer; the IEP team will determine the date services under the IEP will begin.*

*Parents will be given the opportunity to evaluate the transition from the local ECI to the Perryton Special Education SSA PPCD program. A **parent satisfaction survey** completed by the parent after the Admission, Review, and Dismissal (ARD) meeting will collect data on the parent perspective of the transition process. In order to ensure that appropriate decisions were made, the Perryton Special Education SSA and the ECI program will collaboratively conduct a follow up survey to be completed by families three to six months after the IEP has been implemented. The information collected through surveys will be shared between the Perryton Special Education SSA and the local ECI program as one piece of evaluation data on the early transition process.*
<http://ritter.tea.state.tx.us/special.ed/guidance/keetchecklist.pdf>

I. Private / Nonpublic Schools *(See also Section 5 – Instructional Arrangements)*

When a student placed by their parents in private/nonpublic schools, has been referred for special education evaluation, all requirements concerning referral, evaluation, and determination of eligibility are applicable.

1. *Parent Responsibilities:*
 - A. *Contact the appropriate neighborhood campus and initiate a referral.*
 - B. *Referrals will be accepted for students who attend a private / nonpublic school within the boundaries of Perryton Special Education SSA.*
 - C. *Provide any documentation available to the campus Principal or counselor regarding the child's suspected disability.*
 - D. *Give the Teacher Information Form from the referral packet to the teacher at the*
2. *Campus Responsibilities:*
 - A. *Perryton Special Education SSA will use established procedures and forms for the referral of students from private/nonpublic schools. This includes the completion of the Referral Packet.*
 - B. *The principal or designee will be responsible for coordinating the gathering of information from the parent.*

NOTE: The same referral time lines apply.
3. *Evaluation Person Responsibilities:*
 - A. *To the maximum extent possible, Perryton Special Education SSA shall use referral and evaluation information from the private school's records in order to avoid unnecessary duplication of effort or services.*
 - B. *Coordinate and/or administer additional recommended evaluation.*

J. Psychological Referral

Perryton Special Education SSA recommends that the campus counselor or campus administrator consult with the SSA office prior to consideration of a psychological or discussion of a psychological with a parent. The SSA office will schedule all psychological evaluations prior to a referral being completed when data indicates the necessity of completing a psychological before an Eligibility is established within and ARD/IEP meeting.

1. Student Is Currently Receiving Special Education Services

- A. The ARD/IEP Committee will review existing evaluation data, both the formal FIE (Full and Individual Evaluation) and informal evaluation from staff. The ARD/IEP Committee may recommend additional psychological evaluation.*
- B. If psychological evaluation is recommended during the ARD/IEP meeting, the minutes will document the recommendation and the parent will be provided Notice and Consent for Evaluation.
 - (1. If parents are not in attendance, the diagnostician will coordinate the completion of the referral for the psychological and be responsible for sending the Notice and Consent for Evaluation.*
 - (2. The diagnostician will inform the psychologist or licensed specialist in school psychology.*
 - (3. The psychologist or licensed specialist in school psychology will conduct the evaluation, complete the written report. The diagnostician may visit with parent prior to ARD about the results and recommendations of psychological evaluation (see FIE and ARD/IEP sections in this manual)**
- C. An ARD/IEP meeting to review the psychological evaluation will be scheduled.*

2. Student is Not Currently Receiving Special Education Services

- A. The general education teacher will follow the RtI Committee process, inviting diagnostician to RtI meeting. The campus will completing all required forms. The diagnostician will notify parents of their Procedural Safeguards, providing Notice of Evaluation and **obtaining Consent for Evaluation.***
- B. The campus designee will submit the completed referral packet to the SSA office.*

K. Regional Day School Program for the Deaf *(See Section 4 and Section 5 of this document)*

L. Specific Learning Disabilities (SLD) *(See Section 4)*

M. Texas School for the Deaf (TSD) *(See Section 4 and Section 5 of this document)*

N. Texas School for the Blind and Visually Impaired (TSBVI) *(See Section 4 and Section 5 of this document)*

VIII. CHILD FIND

§300.111 Child find.

(a) General.

(1) The State must have in effect policies and procedures to ensure that--

- (i) All children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated; and**
- (ii) A practical method is developed and implemented to determine which children are currently receiving needed special education and related services.**

The Perryton Special Education SSA will disseminate information to the community (including private schools, residential treatment centers, day treatment centers, hospitals, mental health institutions, detention and correctional facilities) concerning services offered to all individuals with disabilities and maintain records of efforts that may include:

- 1. providing information regarding availability of screenings and other services through the local newspaper, the school tax office mailings, brochures, and other print media;*
 - 2. participating in a network of public information dissemination to assist with locating highly mobile and migrant children....which includes contacting other agencies, day care facilities, community public locations such as doctor offices, hospitals, laundry facilities, and facilities providing services to students with disabilities;*
 - 3. providing Child Find information to local private schools and discuss with private school officials regarding the RtI Committee process;*
 - 4. referring individuals ages 0-3 to a local Early Childhood Intervention (ECI) program for evaluation;*
 - 5. identifying and referring individuals with disabilities who may or may not be in school and who may need Special Education and related services using a properly constituted RtI Committee;*
 - 6. continuing to document persons who are currently receiving needed Special Education and related services and who are not currently receiving needed Special Education and related services;*
 - 7. reviewing this process on a yearly basis, updating staff about on-going "Child Find" activities implemented in the community;*
 - 8. maintaining confidentiality of all personally identifiable information used and collected in this system in the same manner that Special Education records are maintained;*
 - 9. maintaining documentation of all Child Find activities including the dates of each activity and the results of each activity; and*
 - 10. training appropriate staff for maintaining the documentation of all Child Find activities including students in private schools, religious schools and home schools located in the Perryton Special Education SSA.*
 - 11. Screening may be performed by qualified Perryton Special Education SSA personnel and may include:*
 - general health screening, including social/behavioral health*
 - vision screening performed to verify indicators of loss of sight, acuity, or other possible vision related problems;*
 - hearing screening to verify any hearing risk indicators;*
 - speech and language screening to verify problems in the formulation or articulation of speech or any delay in the development of language;*
 - preschool screening which typically includes vision, hearing, cognition, motor, speech-language, and health components to verify developmental delays;*
 - screening for home language*
 - academic screening for school age children to determine the significance of academic delays; and*
 - screening secondary level students who are at-risk of dropping out, or who have dropped out, to verify that the reasons for dropping out are not related to a previously unidentified disability.*
- All screenings and evaluations resulting from child find activities are free to parents, including parents of home-schooled students and parents of students who attend private school by parent choice.*

(b) Use of term developmental delay.

The following provisions apply with respect to implementing the child find requirements of this section:

- (1) A State that adopts a definition of developmental delay under §300.8(b) determines whether the term applies to children aged three through nine, or to a subset of that age range (e.g., ages three through five).
 - (2) A State may not require Perryton Special Education SSA to adopt and use the term developmental delay for any children within its jurisdiction.
 - (3) If Perryton Special Education SSA uses the term developmental delay for children described in § 300.8(b), the Perryton Special Education SSA must conform to both the State's definition of that term and to the age range that has been adopted by the State.
 - (4) If TEA does not adopt the term developmental delay, Perryton Special Education SSA may not independently use that term as a basis for establishing a child's eligibility under this part.
- (c) Other children in child find. Child find also must include--
- (1) Children who are suspected of being a child with a disability under § 300.8 and in need of special education, even though they are advancing from grade to grade; and
 - (2) Highly mobile children, including migrant children.
- (d) Construction. Nothing in the Act requires that children be classified by their disability so long as each child who has a disability that is listed in § 300.8 and who, by reason of that disability, needs special education and related services is regarded as a child with a disability under Part B of the Act.

§300.131 Child find for parentally-placed private school children with disabilities.

- (a) General. The Perryton Special Education SSA must locate, identify, and evaluate all children with disabilities who are enrolled by their parents in private, including religious, elementary schools and secondary schools located in the school district served by the Perryton Special Education SSA, in accordance with paragraphs (b) through (e) of this section, and § § 300.111 and 300.201.
- (b) Child find design. The child find process must be designed to ensure--
 - (1) The equitable participation of parentally-placed private school children; and
 - (2) An accurate count of those children.
- (c) Activities. In carrying out the requirements of this section, the Perryton Special Education SSA, or, if applicable, the SEA, must undertake activities similar to the activities undertaken for the agency's public school children.
- (d) Cost. The cost of carrying out the child find requirements in this section, including individual evaluations, may not be considered in determining if Perryton Special Education SSA has met its obligation under § 300.133. (*Private school expenditures-section 5 of this document*)
- (e) Completion period. The child find process must be completed in a time period comparable to that for other students attending public schools in the Perryton Special Education SSA consistent with § 300.301. (*Initial Evaluations-section 2 of this document*) (Authority: 20 U.S.C. 1412(a)(10)(A)(ii))
- (f) Out-of-state children. Each LEA in which private, including religious, elementary schools and secondary schools are located must, in carrying out the child find requirements in this section, include parentally-placed private school children who reside in a State other than the State in which the private schools that they attend are located.

§ 300.19 Homeless children.

Homeless children has the meaning given the term homeless children and youths in section 725 (42 U.S.C. 11434a) of the McKinney-Vento Homeless Assistance Act, as amended, 42 U.S.C. 11431 et. seq. (Authority 20 U.S.C. 1401(11))

§ 300.134 Consultation parentally-placed private school children with disabilities.

To ensure timely and meaningful consultation, the Perryton Special Education SSA, or, if appropriate, the TEA, must consult with private school representatives and representatives of parents of parentally-placed private school children with disabilities during the design and development of special education and related services for the children regarding the following:

- (a) Child find. The child find process, including--
 - (1) How parentally-placed private school children suspected of having a disability can participate equitably; and
 - (2) How parents, teachers, and private school officials will be informed of the process.

Perryton Special Education SSA will maintain documentation of all Child Find activities including the dates of each activity and the results of each activity; and train appropriate staff for maintaining the

documentation of all Child Find activities including students in private schools, religious schools and home schools located in the Perryton Special Education SSA.

IX. HOME LANGUAGE SURVEY

TAC § 89.1215. Home Language Survey <http://ritter.tea.state.tx.us/rules/tac/chapter089/ch089bb.html>

- (a) Districts shall conduct only one home language survey of each student. The home language survey shall be administered to each student new to the district, and to students previously enrolled who were not surveyed in the past. Districts shall require that the survey be signed by the student's parent or guardian for students in grades prekindergarten through Grade 8, or by the student in Grades 9-12. The original copy of the survey shall be kept in the student's permanent record.
- (b) The home language survey shall be administered in English and Spanish; for students of other language groups, the home language survey shall be translated into the home language whenever possible. The home language survey shall contain the following questions.
 - (1) "What language is spoken in your home most of the time?"
 - (2) "What language does your child (do you) speak most of the time?"
- (c) Additional information may be collected by the Perryton Special Education SSA and recorded on the home language survey.
- (d) The home language survey shall be used to establish the student's language classification for determining whether the district is required to provide a bilingual education or English as a second language program. If the response on the home language survey indicates that a language other than English is used, the student shall be tested in accordance with § 89.1225 of this title (relating to Testing and Classification of Students).

TAC § 89.1225. Testing and Classification of Students.

http://programs.esc20.net/default.aspx?name=lpac_framework

- (a) For identifying limited English proficient students, districts shall administer to each student who has a language other than English as identified on the home language survey:
 - (1) in prekindergarten through Grade 1, an oral language proficiency test approved by the Texas Education Agency (TEA); and
 - (2) in Grades 2-12, a TEA-approved oral language proficiency test and the English reading and English language arts sections from a TEA-approved norm-referenced measure, or another test approved by TEA, unless the norm-referenced measure is not valid in accordance with subsection (f)(2)(C) of this section.
- (b) Districts which provide a bilingual education program shall administer an oral language proficiency test in the home language of the students who are eligible for being served in the bilingual education program. If the home language of the students is Spanish, the district shall administer the Spanish version of the TEA-approved oral language proficiency test which was administered in English. If the home language of the students is other than Spanish, the district shall determine the students' level of proficiency using informal oral language assessment measures.
- (c) All the oral language proficiency testing shall be administered by professionals or paraprofessionals who are proficient in the language of the test and trained in language proficiency testing.
- (d) The grade levels and the scores on each test which shall identify a student as limited English proficient shall be established by TEA. The commissioner of education shall review the approved list of tests, grade levels, and scores annually and update the list.
- (e) Students with a language other than English shall be administered the required oral language proficiency test within four weeks of their enrollment. Norm-referenced assessment instruments, however, may be administered within the established norming period.
- (f) For entry into a bilingual education or English as a second language program, a student shall be identified as limited English proficient using the following criteria.
 - (1) At prekindergarten through Grade 1, the score on the English oral language proficiency test is below the level designated for indicating limited English proficiency under subsection (d) of this section.
 - (2) At Grades 2-12:
 - (A) the student's score on the English oral language proficiency test is below the level designated for indicating limited English proficiency under subsection (d) of this section;
 - (B) the student's score on the reading and language arts sections of the TEA-approved norm-referenced measure at his or her grade level is below the 40th percentile; or
 - (C) the student's ability in English is so limited that the administration, at his or her grade level, of the reading and language arts sections of a TEA-approved norm-referenced assessment instrument or other test approved by TEA is not valid.

- (3) In the absence of data required in paragraph (2)(B) of this subsection, evidence that the student is not academically successful as defined in subsection (j) of this section is required.
- (4) The admission review and dismissal (ARD) committee in conjunction with the language proficiency assessment committee shall determine an appropriate assessment instrument and designated level of performance for indicating limited English proficiency as required under subsection (d) of this section for students for whom those tests would be inappropriate as part of the individualized education program (IEP). The decision for entry into a bilingual education or English as a second language program shall be determined by the ARD committee in conjunction with the language proficiency assessment committee in accordance with § 89.1220(g) of this title (relating to Language Proficiency Assessment Committee).
- (g) Within the four weeks of their initial enrollment in the district, students shall be identified as limited English proficient and enrolled into the required bilingual education or English as a second language program. Prekindergarten and kindergarten students preregistered in the spring shall be identified as limited English proficient and enrolled in the required bilingual education or English as a second language program within four weeks of the start of the school year in the fall.
- (h) For exit from a bilingual education or English as a second language program, a student may be classified as English proficient at the end of the school year in which a student would be able to participate equally in a regular, all-English, instructional program. This determination shall be based upon all of the following:
 - (1) TEA-approved tests that measure the extent to which the student has developed oral and written language proficiency and specific language skills in English;
 - (2) satisfactory performance on the reading assessment instrument under the Texas Education Code, § 39.023(a), or a TEA-approved English language arts assessment instrument administered in English, or a score at or above the 40th percentile on both the English reading and the English language arts sections of a TEA-approved norm-referenced assessment instrument for a student who is enrolled in Grade 1 or 2; and
 - (3) TEA-approved criterion-referenced written tests when available and the results of a subjective teacher evaluation.
- (i) A student may not be exited from the bilingual education or English as a second language program in prekindergarten or kindergarten. A district must ensure that limited English proficient students are prepared to meet academic standards required by TEC, § 28.0211.
- (j) For determining whether a student who has been exited from a bilingual education or English as a second language program is academically successful, the following criteria shall be used at the end of the school year:
 - (1) the student meets state performance standards in English of the criterion-referenced assessment instrument required in the Texas Education Code, § 39.023, for the grade level as applicable; and
 - (2) the student has passing grades in all subjects and courses taken.
- (k) *see Section 4-ARD/IEP for special education student exit from ESL or bilingual*

X. LANGUAGE PROFICIENCY ASSESSMENT COMMITTEE (LPAC)

<http://programs.esc20.net/default.aspx?name=lpac.framework>

<http://tea.texas.gov/student.assessment/ell/lpac/>

The special education department staff will collaborate with the LPAC representative in the ARD/IEP meeting to develop an appropriate IEP for the LEP special education student. The LPAC representative will also be an active participant in the state assessment discussion.

TAC § 89.1220. Language Proficiency Assessment Committee.

- (a) Districts shall by local board policy establish and operate a language proficiency assessment committee. The district shall have on file policy and procedures for the selection, appointment, and training of members of the language proficiency assessment committee(s).
- (b) In districts required to provide a bilingual education program, the language proficiency assessment committee shall be composed of the membership described in the Texas Education Code, § 29.063. If the district does not have an individual in one or more of the school job classifications required, the district shall designate another professional staff member to serve on the language proficiency assessment committee. The district may add other members to the committee in any of the required categories.
- (c) In districts and grade levels not required to provide a bilingual education program, the language proficiency assessment committee shall be composed of one or more professional personnel and a parent of a limited English proficient student participating in the program designated by the district.
- (d) No parent serving on the language proficiency assessment committee shall be an employee of the school district.
- (e) A district shall establish and operate a sufficient number of language proficiency assessment committees to enable them to discharge their duties within four weeks of the enrollment of limited English proficient students.
- (f) All members of the language proficiency assessment committee, including parents, shall be acting for the school district and shall observe all laws and rules governing confidentiality of information concerning individual students. The district shall be responsible for the orientation and training of all members, including the parents, of the language proficiency assessment committee.
- (g) Upon their initial enrollment and at the end of each school year, the language proficiency assessment committee shall review all pertinent information on all limited English proficient students identified in accordance with § 89.1225(f) of this title (relating to Testing and Classification of Students), and shall:
 - (1) designate the language proficiency level of each limited English proficient student in accordance with the guidelines issued pursuant to § 89.1210(b) and (d) of this title (relating to Program Content and Design);
 - (2) designate the level of academic achievement of each limited English proficient student;
 - (3) designate, subject to parental approval, the initial instructional placement of each limited English proficient student in the required program;
 - (4) facilitate the participation of limited English proficient students in other special programs for which they are eligible provided by the district with either state or federal funds; and
 - (5) classify students as English proficient in accordance with the criteria described in § 89.1225(h) of this title (relating to Testing and Classification of Students), and recommend their exit from the bilingual education or English as a second language program.
- (h) Before the administration of the state criterion-referenced test each year, the language proficiency assessment committee shall determine the appropriate assessment option for each limited English proficient student as outlined in Chapter 101, Subchapter AA, of this title (relating to Commissioner's Rules Concerning the Participation of Limited English Proficient Students in State Assessments). The assessment options shall be:
 - (1) administration of the English version criterion-referenced test;
 - (2) administration of the Spanish version criterion-referenced test; or
 - (3) for certain immigrant students, exemption from the criterion-referenced test.
- (i) In determining the appropriate assessment option, the language proficiency assessment committee shall consider the following criteria for each student:
 - (1) academic program participation (bilingual education or English as a second language) and language of instruction;
 - (2) language proficiency, including literacy, in English and/or Spanish;

- (3) number of years enrolled in U.S. schools;
 - (4) previous testing history;
 - (5) level achieved in the state reading proficiency tests in English (RPTE);
 - (6) consecutive years of residence outside of the 50 U.S. states; and
 - (7) schooling outside the U.S.
- (j) The language proficiency assessment committee shall give written notice to the student's parent advising that the student has been classified as limited English proficient and requesting approval to place the student in the required bilingual education or English as a second language program. The notice shall include information about the benefits of the bilingual education or English as a second language program for which the student has been recommended and that it is an integral part of the school program.
- (k) Pending parent approval of a limited English proficient student's entry into the bilingual education or English as a second language program recommended by the language proficiency assessment committee, the district shall place the student in the recommended program, but may count only limited English proficient students with parental approval for bilingual education allotment.
- (l) The language proficiency assessment committee shall monitor the academic progress of each student who has exited from a bilingual or English as a second language program within the past two years to determine whether the student is academically successful as defined in § 89.1225(j) of this title (relating to Testing and Classification of Students). Those students who are not academically successful due to limited English proficiency shall be reclassified as limited English proficient (LEP), and shall be recommended for participation in a bilingual education or English as a second language program. Students who are not reclassified as LEP may be placed in compensatory and accelerated instruction or other special language program which addresses their needs.
- (m) The student's permanent record shall contain documentation of all actions impacting the limited English proficient student. This documentation shall include:
- (1) the identification of the student as limited English proficient;
 - (2) the designation of the student's level of language proficiency;
 - (3) the recommendation of program placement;
 - (4) parental approval of entry or placement into the program;
 - (5) the dates of entry into, and placement within, the program;
 - (6) the dates of exemptions from the criterion-referenced test, criteria used for this determination, and additional instructional interventions provided to students to ensure adequate yearly progress;
 - (7) the date of exit from the program and parent notification; and
 - (8) the results of monitoring for academic success, including students formerly classified as limited English proficient, as required under the Texas Education Code, § 29.063(c)(4).