Child Find and Evaluation



Child Find



Who is covered under Child Find?

- Every child from birth to age 21 including:
 - Infants (ages 0-2 years) suspected of having the following disabilities:
 - Deaf or Hard of Hearing (DHH)
 - Visual Impairments (VI) and
 - Deaf-Blindness (DB)
 - Students, including those who are homeschooled and in private school
 - Student who are suspected of having a disability, even though advancing from grade to grade
 - Children who are traditionally underserved:
 - homeless,
 - Highly mobile, including migrant
 - In foster care
 - Involved in the criminal justice system



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Referral for Possible Special Education Services



Who can make a referral for Special Education?

- Student's parents or legal guardian
- School personnel
- Another person involved in the education or care of the student







Parent Referral

If a parent submits a written request to the LEA's director of special education services or to an administrative employee for an initial evaluation, the LEA must, <u>not later than the 15th</u> <u>school day after the date of receipt</u>, provide the parent with:

- Prior written notice of its proposal to conduct an evaluation, a copy of the <u>Notice of Procedural Safeguards</u>, and an opportunity to give written <u>consent for initial evaluation</u>; or
- Prior written notice of its refusal to conduct an evaluation and a copy of the <u>Notice of Procedural Safeguards</u>.



Parent Referral- IMPORTANT

- A request may be made verbally and it not required to be in writing. A verbal request does not require the LEA to respond within 15 school days.
- When request are made verbally, LEAs must still comply with all federal prior written notice procedural safeguard requirement.

TIP: You may ask a parent providing a verbal request to write up the request while they are there so that you have documentation of the request.



DO NOT DELAY OR DENY

- An LEA may not delay or deny an initial evaluation because prereferral interventions have not been implemented.
- If there is a basis for suspecting a disability and need for special education, the student must be referred for evaluation regardless of participation in an intervention program.



Consider evaluation when...



- There is a lack of gains during intervention progress monitoring
- Hospitalization
- More substantial supports needed as general education curriculum becomes more difficult
- Interfering behavioral and/or discipline referrals
- Outside evaluation diagnosis by a parent
- . Parent concerns regarding child's struggles
 - Outside therapeutic services or tutoring
 - Gap between expected academic growth and actual growth



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Referral

- Students should be <u>considered</u> for all supports services available to all students prior to referral:
 - Tutorial
 - Remedial
 - Compensatory
 - Multi-Tiered Systems of Support (MTSS)
 - Dyslexia general education services
 - Accommodations under Section 504

TIP: There is not order to how these considerations happen. Consider all interventions and services being provided when making a decision.

DEFINITION OF CONSIDER

- to think about carefully: such as
 - to think of especially with regard to taking some action
 - to take into account



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Remember

Knowledge or suspicion of a disability does not automatically trigger the need to refer a student for special education. There must be a reasonable suspicion that the student may need special education and related services.







Age Ranges for Eligibility



Ages 0 to 3 years

- Both LEA and ECI contractor have developed a coordinated Child Find system which includes policies and procedures to identify, locate, and evaluate children who need early intervention or special education services.
- Early Childhood Intervention
 - Texas Health and Human Services is the lead state agency for ECI
 - Following services are provided at no out-of-pocket payment from parent
 - Child Find
 - Evaluation & assessment
 - Development of the IFSP (Individual Family Service Plan)
 - Services for children with Auditory or visual impairments including children with deaf-blindness
 - Case management
 - Translation and interpreter services
 - Administrative & coordination activities related to the implementation of procedural safeguards



Transition from IDEA-C to IDEA-B

- At age 3 children with disabilities may become eligible for special education services from the public school.
- Not all children receiving ECI services qualify for services provided by a public school.
- At least 90 calendar days before the child's third birthday a meeting is held to help family with transition to special education services if appropriate.
- ECI Flowchart page 23





* In accordance with current State established initial evaluation timelines.

Revised September 2013

Ages 3 to 5 years

- Children within this age range can be considered for any disability category.
- If they meet eligibility criteria for intellectual disability, emotional disturbance, a specific learning disability, or autism, they may be eligible for special education services based on the noncategorical early childhood (NCEC) disability category.
- Children eligible based on this category must be reevaluated prior to their sixth birthday to determine eligibility for special ed services.



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TEA's Response

https://tea.texas.gov/Academics /Special Student Populations/S pecial Education/Programs an d Services/State Guidance/Gui dance on Parentally Placed Pr ivate School Children with Dis abilities/



Which district has the responsibility for evaluating a referred child enrolled in a Head Start center in one district but resides in a different district?

Child Find Duty: ESC 18 Legal Framework

for special education and related services and, if so, the specific services appropriate for the child.

15. Which school district is responsible for providing special education and related services if a parent chooses dual enrollment for a child?

The school district where an eligible1 student resides is responsible for providing special education and related services associated with dual enrollment if the child's parent chooses that option.

The district where the child resides is responsible for making FAPE available to the child. Both districts have the obligation to evaluate. Local educational agencies must locate, evaluate, and identify all private school children with disabilities attending a private school in the LEA's jurisdiction. 17

TEA's Response

 Can the Head Start centered be considered a private school in terms of definition?



§89.1096. Provision of Services for Students Placed by their Parents in Private Schools or Facilities.

(a) Except as specifically provided in this section, in accordance with 34 Code of Federal Regulations (CFR), §300.137, no eligible student who has been placed by his or her parent(s) in a private school or facility has an individual right to receive some or all of the special education and related services that the student would receive if he or she were enrolled in a public school district. Except as specifically set forth in this section, a school district's obligations with respect to students placed by their parents in private schools are governed by 34 CFR, §§300.130-300.144.

(1) For purposes of subsections (a) and (d) of this section only, private school is defined as a private elementary or secondary school, including any preschool, religious school, and institutional day or residential school, that:

(A) as required by 34 CFR, §300.13 and §300.130, is a nonprofit entity that meets the definition of nonprofit in 34 CFR, §77.1; and

(B) provides elementary or secondary education that incorporates an adopted curriculum designed to meet basic educational goals, including scope and sequence of courses, and formal review and documentation of student progress.

(2) A home school must meet the requirements of paragraph (1)(B) of this subsection, but not paragraph (1)(A) of this subsection, to be considered a private school for purposes of subsections (a) and (d) of this section.

(b) When a student with a disability who has been placed by his or her parents directly in a private school or facility is referred to the local school district, the local district shall convene an admission, review, and dismissal (ARD) committee meeting to determine whether the district can offer the student a free appropriate public education (FAPE). If the district determines that it can offer a FAPE to the student, the district is not responsible for providing educational services to the student, except as provided in 34 CFR, §§300.130-300.144, or subsection (e) of this section, until such time as the parents choose to enroll the student in public school full time.

Referrals to Districts

19 Texas Administrative Code § 89.1050

34 Code of Federal Regulations § 300.503

Prior notice by the public agency; content of notice.

TEA Response March 5, 2019

- Referrals to districts can be done via phone call or mailed.
- Districts receive referrals from parents, agencies, MOU partners, or Region One ESC
- Parents are not required to provide a hearing and vision screening as part of the evaluation process.
- District is required to access the child in all areas of suspected disability and asking a parent to provide that information before providing consent **may be a denial of FAPE**.
- The district can conduct the hearing/vision screening.



Head Start and RTI

- <u>http://tea.texas.gov/Curriculum and Instructional Programs/Special Educa</u> <u>tion/Programs and Services/Response to Intervention/</u>
- Head Start and Rtl
- The Individuals with Disabilities Education Act (IDEA) does not require or encourage a school to use an RtI approach before a referral for evaluation. A Head Start program may refer a student for evaluation to determine if the student is eligible for special education and related services. When a school receives a referral from a Head Start program, the school must begin the evaluation process to determine if the child has a disability. The IDEA and its regulations at 34 CFR §§300.301-300.311 specify the requirements that public schools (not non-LEAs such as other community-based early childhood programs) must use to conduct an initial evaluation to determine if a child has a disability under Part B. For additional information, see the **Head Start Letter from OSEP**



Evaluation Procedures



Evaluation Procedures Overview

- Whether it is a Full and Individual Initial Evaluation (FIIE) or a reevaluation—evaluation is a data-gathering process.
- The evaluation must be comprehensive and use a variety of assessment tools, sources of information, and strategies.
- The evaluation is completed by a multi-disciplinary team.



Evaluation Procedures Data-Based Decisions

- Knowledge or suspicion of a disability alone does not automatically trigger the need to refer a student for special education.
- The knowledge must be in addition to a reasonable suspicion that, because of the disability or suspected disability, the student may need special education and related services.



Referral for Special Education Services Data-Based Decisions

Reminder

Two questions must be answered:

Is there reason to suspect that the student has a disability?

Is there reason to suspect that because of the disability the student needs special education and related services?

If "Yes" to both questions, refer the student for a full and individual initial evaluation (FIIE).



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Evaluation Procedures Purpose

- Evaluation provides information to assist in determining:
 - whether the student has a disability;
 - the need for specially designed instruction and related services; and
 - the need for evidence-based interventions and how to monitor the student's progress.
- Evaluation provides much of the information for drafting Present Levels of Academic Achievement and Functional Performance (PLAAFP), goals, objectives, modifications, and accommodations in the Admission, Review, and Dismissal (ARD) committee meeting.



Evaluation Procedures Comprehensive Evaluation

- Communicative Status Academic Performance General Intelligence Social and Emotional Status
- May not use any single measure or assessment as the sole criterion
- Must evaluate the child in all areas related to the suspected disability
- Must use technically sound instruments that are:
 - Racially and culturally fair, administered in native language
 - Used for purposes for which they are reliable and valid
 - Administered as designed by trained and knowledgeable personnel
 - Tailored to area of educational need, adapted to physical and sensory disabilities

https://fw.esc18.net/display/Webforms/ESC18-FW-Summary.aspx?FID=121&SearchTerm=Initial+Evaluation Evaluation procedures framework p.11



Evaluation Procedures Comprehensive Evaluation



- Assessment data directly assist the ARD committee in determining the educational needs of the child
- The evaluation is sufficiently comprehensive to identify the child's special education and related service needs
- Review existing relevant evaluations and data and determine what additional data are needed



Evaluation Procedures Comprehensive Evaluation





Assess all areas of need to ensure students receive the necessary services.

While it is possible to request other evaluations during the initial ARD committee meeting, best practice is to have a <u>comprehensive evaluation</u> that addresses all areas of need before the initial ARD committee meeting.





Evaluation Procedures Comprehensive Evaluation

Other considerations include:

- Least Restrictive Environment (LRE)
- Input Data
- Existing Data
- Medical Diagnosis
- Language Proficiency vs. Disability





Evaluation Procedures Comprehensive Evaluation



Determining the need for Special Education and Related Services

- Lack of academic progress is not a sole determinative factor
- Consider effectiveness of current supports a student is receiving



Evaluation Requirements



REFFERALS OR EVALAUTION REQUESTS



Initial referrals (from district)
Parent request
ECI referrals (these are also initials)
Transfers



Review of Existing Evaluation Data Requirements (REED)

Is the process of looking at a student's existing data to determine if additional data are needed as part of a full and individual initial evaluation (FIIE), if appropriate, or as part of a reevaluation. A REED helps schools decide whether current information about a child can be used to determine a child's eligibility for special education.

As part of an initial evaluation (if appropriate), the ARD committee conducts a REED.

Best Practice Tip

It is best practice to collect and review all existing evaluation data on a child before beginning an initial evaluation to assist in determining eligibility. A REED is the starting point of any evaluation.



Student ARD committee members conducting REED

Note:



The REED must be conducted by the members of the student's ARD committee, and others as appropriate. The members review the student's existing evaluation data to determine the scope of the evaluation. This review process does not have to take place in an ARD committee meeting.





The REED Process Must Include:

Previous Evaluation(s)

Can be one or more evaluations

Evaluations and Information Provided by Parents

e.g. Information from early childhood programs, outside evaluations, medical

Teacher Information

e.g. Grades and Attendance records - If possible, from multiple teachers

Classroom based, local and state assessments

e.g. Response to Intervention (RtI) information, discipline reports



https://tea.texas.gov/Academics/Special_Student_Populations/Special_Education_SPED/Programs_and_Services/State_Guidance/Review_of_Existing_Evaluation_Data_Frequently_Asked_Questions REED FAQs

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Prior Written Notice (PWN)



Cease the provision or special concentration and related services due to the parent's revocation of consent for services.



Prior Written Notice (PWN)

The Seven Elements of PWN

- 1 Description of the action that the LEA proposes or refused to take.
- 2 Explanation of why the LEA is proposing or refusing to take action.
- 3 Description of each evaluation procedure, assessment, record or report the LEA used as a basis for the proposal or refusal.
- A statement that the parent(s) of the child with a disability have protection under the procedural safeguards and, if the PWN is not an initial referral for evaluation, an explanation of how a copy of the Notice of Procedural Safeguards may be obtained.
- 5 Resources for the parent to contact for help in understanding the IDEA and the related federal and Texas special education regulations.
- 6 Description of any other options that the team considered and the reasons why those options were rejected.
- 7 Descriptions of any other factors that are relevant to the LEA proposal or refusal.

Evaluation Requirements Consent for Initial Evaluation

The LEA must obtain <u>informed consent</u> from the parent <u>before</u> conducting <u>an initial evaluation</u>.



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Consent for Initial Evaluation



http://framework.esc18.net/display/Webforms/ESC18-FW-Summary.aspx?FID=114 Legal Framework REED

https://fw.esc18.net/display/Webforms/ESC18-FW-Summary.aspx?FID=124&SearchTerm=prior+written+notice Legal Framework PWN



Informed consent means:

- ✓ The parent has been fully informed of all information relevant to the initial evaluation in the parent's native language or other mode of communication.
- ✓ The parent understands and agrees in writing to the LEA carrying out the initial evaluation and the consent describes the initial evaluation and lists the records, if any, that will be released and to whom.
- ✓ The parent understands that the granting of the consent is voluntary on the part of the parent and may be revoked at any time.
- ✓ If the parent revokes consent, that revocation is not retroactive; therefore, it does not negate an action that has occurred after the consent was given and before the consent was revoked.



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When is consent required?

Informed consent is required before conducting an initial evaluation.

What instances in which consent is not required?





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13 Disabilities Identified Under IDEA



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13 Disabilities Identified Under IDEA

In Texas, there are 13 different disability categories under which children ages 3 through 21 may be eligible for special education services.

Children who are Deaf or Hard of Hearing, Visual Impairment, or Deaf-Blindness are eligible to receive services from birth.





https://www.understood.org/en/school-learning/special-services/special-education-basics/conditions-covered-under-idea

13 Disabilities Identified Under IDEA

In Texas, the Admission Review and Dismissal (ARD) Committee makes the eligibility determination and decides the eligibility category.

To determine if a child is eligible for classification under one of the 13 disability categories, a **Full and Individual Initial Evaluation (FIIE)** must be conducted.





13 Disabilities Identified Under IDEA Two-Part Test

In determining eligibility for Special Education, the ARDC must decide if a child:

> Is determined to have a disability; AND

As a result of the disability, needs special

education and related services.

Deared Disturbance reliefund Specific Specific Spech Impairment Other Orthopedic Noncategorical Early Multiple Disabilities Noncategorical Early Multiple Disabilities Deafness Visual Impairment



http://framework.esc18.net/display/Webforms/ESC18-FW-Citation.aspx?ID=2119 law

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Full and Individual Evaluation (FIE)





Note: The LEA must obtain informed <u>CONSENT</u> from the parent before conducting an initial valuation. Also, PRIOR WRITTEN NOTICE must be given to the parents of a child with a disability at least five public agency proposes or refuses to initiate or change the identification, evaluation, or educ or the provision of FAPE to the child, unless the parent agrees to a shorter timeframe.

chool days before the nal placement of the child

After obtaining consent for an initial evaluation, the school must conduct an evaluation of the child in all areas of suspected disability to determine if the child has a disability and to determine his or her educational needs.



Timeline(s)

- Once the referral has been given and the parent has signed consent the timeline for assessment begins
 - 45 school days to complete the assessment
 - School days do not include any day that a student is not in school, such as: Weekends, Student Holidays, Staff Development Days, Spring Break, Winter Break, Summer Break
 - 30 calendar days from the day of the report in order to go to ARD to present the report





Exceptions

- If a student is absent more than three (3) days after the consent for evaluation is signed, the school district may extend the 45 school day timeline by the number of absences.
- If a parent provides the school with written consent for the evaluation less than 45 schools days, but at least 35 school days before the last instructional day of the school year, the evaluation must be completed and the report provided to the parent by June 30th of that school year. Then, not later than the 15th school day of the following school year, the ARD meeting must be held.
 - The school district must schedule and hold the ARD meeting "as expeditiously as possible" during the summer if the initial evaluation report says the student is in need of ESY services.



Evaluation Procedures Initial





Evaluation Process



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include information about the child's academic, developmental and functional performance

be administered by trained and knowledgeable personnel in accordance with standard administration

be administered in the child's native language or other mode of communication

be unbiased and given in such a way so as not to discriminate against the child

be used for the purposes for which the assessments are valid and reliable



Transfer students

Children Who Transfer

- If a child is in the process of being evaluated for special education eligibility and enrolls in a new LEA before the evaluation is completed, the new LEA must coordinate with the previous LEA to ensure prompt completion of the initial evaluation.
- If the child transfers from another LEA when an initial evaluation is pending, the timelines for conducting the evaluation apply to the new LEA unless:
 - The new LEA is making sufficient progress to ensure a prompt completion of the evaluation; and
 - The parent and the new LEA agree to a specific time when the evaluation will be completed.
- For more information, you can visit <u>Legal Framework: Children Who Transfer.</u>



Re-evaluation





When must you conduct a reevaluation?

A reevaluation must be conducted not more often than once a year, unless the parent and the LEA agree otherwise and at least every 3 years, unless the parent and the LEA agree that reevaluation isn't necessary. The reevaluation must be conducted if the LEA determines that a reevaluation is warranted based on the student's educational or related services needs, or if the child's parent or teacher requests one. Additionally, the local educational agency shall evaluate a child with a disability before determining that the child is no longer a child with a disability.

What is a reevaluation process?

A reevaluation involves a REVIEW OF EXISTING EVALUATION DATA (REED), as well as current input from a child's parents and teachers so that a decision can be made regarding continued eligibility or need for further information.

Who can request a reevaluation? Reevaluations may be requested by any member of the ARD committee, including parents and teachers, prior to the triennial due date.

The basic steps of a reevaluation are included in this flowchart: Special Education Reevaluation Process Flowchart



Areas to Identify by ARDC if additional data is needed

- Whether the child continues to have a disability
- Whether the child continues to need special education and related services;
- The present levels of academic achievement and functional performance of the child (PLAAFP); and related developmental needs of the child;
- Whether an additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in his or her IEP and to participate, as appropriate, in the general education curriculum.



REED PROCESS:

Based on information collected through the REED Process, the members of the ARD committee must make one of the following determinations:

The child continues to be eligible, and no further assessment is needed.

> The parent must be given Prior Written Notice of team's decision.

The child continues to be eligible, but additional information is needed for program planning purposes.

> The parent must be given Prior Written Notice.

Written parent consent must be obtained. A comprehensive evaluation is needed to determine continued eligibility. The IEP will determine the assessment plan.

> The parent must be given Prior Written Notice.

Written parent consent must be obtained.

Best Practice Tip

The LEA should maintain documentation of efforts to obtain parental consent. This could be in the form of written logs, certified mail receipts, checklists, email correspondence, or other methods of documentation.



Special Circumstances Evaluation Areas



English Learners (ELs) and Twice Exceptional Learners (2E)



- Considerations for ELs
 - LPAC and ARD must work together to determine the appropriate entry and exit criteria for the state bilingual education/English as a Second Language program
 - Decisions about entry, appropriate linguistic accommodations, and exit are made by the ARD committee in conjunction to the LPAC committee.
 - An LPAC member is a required member of the ARD committee.

- Considerations for 2E
 - Twice-exceptional children tend to fall into one of these 3 categories, complicating identification
 - Students whose giftedness masks their learning and attention issues
 - Students whose learning and attentions issues masks their giftedness
 - Students whose learning and attention issues and giftedness mask each other



Dyslexia Screening and Identification

- Early intervention is critical
 - A process for early identification, intervention and support for students at risk for dyslexia and related disorders must be available at each LEA as outlined in The Dyslexia Handbook
- Screening should be conducted by individuals or professionals who are trained to assess students for dyslexia and related disorders at appropriate times for all students
 - At the end of the school year in kindergarten and
 - In first grade screening must conclude no later than January 31



BEST PRACTICE: Whenever possible, the student's current classroom teacher should administer the screening instrument for dyslexia and reading difficulties (The Dyslexia Handbook, p.13)

Assistive Technology

- The ARD committee <u>must consider</u> whether the child needs assistive technology devices or services
 - AT device is any item, piece of equipment, or product system, that is used to maintain, or improve functional capabilities of the child with a disability (this item can be acquired commercially off the shelf, modified or customized).
 - It does not include a devices that is surgically implanted or the replacement for such devices
 - AT service any service that directly assists the child with a disability in the selection, acquisition, or use of an ATD, and includes the evaluation of the needs of the child, functional evaluation of the child in the child's environment.

BEST PRACTICE: AN ASSISTIVE TECHNOLOGY ASSESSMENT IS BEST CONDUCTED USING A COLLABORATIVE PROCESS BY A TEAM (E.G. ARD COMMITTEE) THAT DETERMINES WHAT TECHNOLOGIES WOULD IMPROVE THE STUDENT'S PERFOMANCE, PARTICIPATION AND INDEPENDENCE p.30



Independent Educational Evaluation (IEE)



An IEE is an evaluation conducted by a qualified examiner who is not employed by the LEA responsible for the education of the child



LEA's IEE Criteria

Upon the parent's request the LEA must provide the parent with information about where an IEE may be obtained and the LEA's criteria for IEEs. Same as the criteria the LEA uses when it initiates an evaluation, including:



Location of where the evaluation is conducted – (Example: The independent evaluator must be located within a 125-mile radius of the LEA.)



Qualifications of the examiner – (Example: The independent evaluator will have the same gualifications required for LEA evaluation personnel, such as, licensed specialist in school psychology (LSSP) for a psychological evaluation)

State/federal requirements applicable for all evaluations must also be followed for the IEE.



The criteria must be consistent with a parent's right to an IEE, and the LEA may not impose additional conditions or timelines related to obtaining an IEE at public expense.

IEE- The parent



- Is entitled to only <u>1 IEE at public expense</u> each time the LEA conducts an evaluation with which the parent disagrees
- May forfeit their right to an IEE by failing to give consent for an LEA to conduct an evaluation
- The parent does not have a right to an IEE at public expense until the LEA has first conducted the type of evaluation requested
- The parent has a right to an IEE at the LEA's expense if they disagree with an evaluation obtained by the LEA unless the LEA, without unnecessary delay, files a request for a due process hearing
- The parent may request an IEE at public expense if the parent believes that the LEA's evaluation did not assess all areas of the child's need.

TIP: ENSURE THAT YOUR ASSESSMENT PERSONNEL ARE CONDUCTING FULL AND INDIVIDUALEVALUATIONS THAT ADDRESS ALL AREAS OF SUSPECTED DISABILITYp.31-32



Reimbursement

- If a due process hearing officer determines that the LEA's evaluation is appropriate, the parent still has a right to an IEE, but not a public expense
- If a hearing officer requests an IEE as part of a hearing on a due process complaint, the cost of the evaluation must be the responsibility of the LEA



Role of the ARD Committee: Eligibility Decision



The ARD committee



- Upon completion of the FIE must determine whether the child is a child with a disability and,
- Whether the child, by reason of the disability, need special education and related services

The fact that a student performs well academically does not necessarily make him ineligible for special education services. Carefully consider any factors, such as behaviors, that interfere with learning



Need for Special Education and Related Services



 If the child has one of the 13 disabilities identified in Texas, but only need related services and not special education services the child is not a child with a disability under IDEA



Tips for Working with Families

- Review the FIE with parent and provide a copy prior to the ARD committee meeting to give them time to review and prepare
- Ensure the parent has an opportunity for meaningful input in the ARD process.
- Explain to the parent that the determination of eligibility is one of the first decisions made with the parent's input





Questions Thoughts Ideas Comments

Contact Information

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