

TIMELINE DECISION TREE: The Child-Centered Special Education Process



How to Use the Timeline




This **timeline** is an interactive tool designed to help users understand the legal requirements of the special education process.

Colored boxes link to frequently asked timeline questions.

Underlined text not within a box links to a publication.

Text not within a box or not underlined is not linked.

How to Navigate Questions and Answers

- Click the **box** or [publication](#) on the timeline that you want to know more about.
- Click [Question](#) to review the answer to that question.
- Click on an [underlined word or phrase](#) within a slide for further information on the topic.
- Click  or  to return to the timeline for your next question topic.
- Click **below** the Legal Framework icon  for legal references pertaining to each slide.



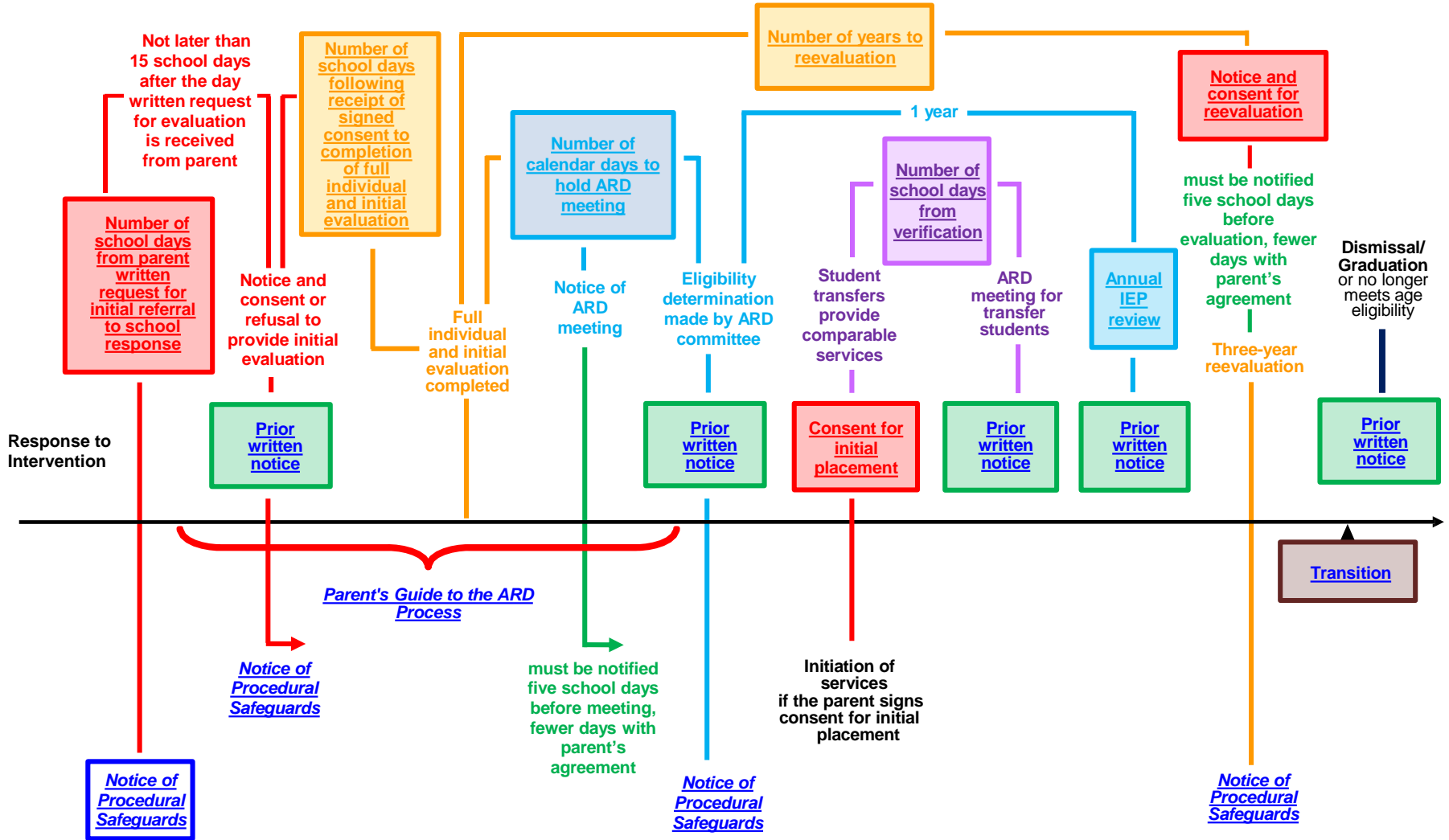
The green home button indicates there is more to come on this topic.



The red home button indicates the end of an answer sequence.

Clicking either button returns you to the timeline.

Timeline | Child-Centered Special Education Process



KEY:

- Referral & Consent
- Evaluation
- Admission, Review, and Dismissal Committee Meeting
- Student Transfer
- Transition
- Prior Written Notice



Question: When a prior written notice is given, what is the timeline for initiating or changing the:

Evaluation

Identification

Placement

**Provision
of FAPE**



Answer: A prior written notice must be given to the parent **five school days** before initiating or changing the evaluation, identification or placement of the student, and before initiating or changing provision of a free appropriate public education (FAPE) to the student.

**Fewer than
five school days
with
parent's agreement**



PRIOR WRITTEN NOTICE

19 TAC § 89.1050(h)

34 CFR § 300.503(a)

Question: What is the timeline for giving the *Notice of Procedural Safeguards*?



Answer: The school must give the *Notice of Procedural Safeguards* annually and:

- At an initial referral;
- When refusing to evaluate;
- Upon a parent's request;
- When proposing a disciplinary change of placement; and
- Upon receipt of the first special education complaint filed with the TEA or the first due process hearing complaint filed during a school year.



Notice of Procedural Safeguards
CONSENT FOR INITIAL EVALUATION
CONSENT FOR REEVALUATION

TEC § 29.004(c)(2)

34 CFR § 300.504

Question: When a parent submits a written request for an initial evaluation, what is the timeline for the school to respond?



Answer: If a parent submits a written request for an initial evaluation, the school must provide the parent with a notice of proposal or refusal to evaluate the student not later than **15 school days** after the date of the request.

[Additional information
to consider](#)



When the parent submits a written request for an evaluation, or when the school suspects a disability **and** a need for special education, the school must:

Review how the student has responded to intervention and proceed with evaluation



**REFERRAL FOR POSSIBLE
SPECIAL EDUCATION SERVICES**

34 CFR § 300.301(b)

19 TAC § 89.1011(a)

Does the school suspect a disability?

YES

NO



THE LEGAL FRAMEWORK
for the Child Care and Social Education Process

EVALUATION PROCEDURES

34 CFR § 300.301(c)(2)(i)

34 CFR § 300.8(a)(1)

Does the school suspect a need for special education?

YES

NO



The school must provide:

- A prior written notice of proposal to provide an initial evaluation;
- The *Notice of Procedural Safeguards*; **and**
- The *Parent's Guide to Admission, Review, and Dismissal Process*.

Provide opportunity to parent to give written consent for evaluation



Notice of Procedural Safeguards
Parent's Guide to Admission, Review,
and Dismissal Process

PRIOR WRITTEN NOTICE

19 TAC § 89.1050(h)

34 CFR § 300.503(a)

PARENT PARTICIPATION

TEC § 26.0081

The school must provide:

- A prior written notice of its refusal to provide an initial evaluation; **and**
- *The Notice of Procedural Safeguards.*

If the parent submits a written request for an evaluation, the school must, not later than **15 school days after the date of receipt**, provide the parent with a notice of proposal to evaluate or a notice of refusal to evaluate.



[Notice of Procedural Safeguards](#)
[PRIOR WRITTEN NOTICE](#)

34 CFR § 300.503(a)
19 TAC § 89.1050(h)

Question: After consent is received, how long must a school wait before beginning a reevaluation?



Answer: When the consent is received, the school must provide a prior written notice and wait **five school days** before the evaluation or reevaluation begins.

Fewer than five school days with parent's agreement



Question: When the parent signs the written consent for initial evaluation, what is the timeline for the completion of the full individual and initial evaluation?



How many days are left in the school year?

Fewer than 35

45 or more

35 or more
and
fewer than 45



EVALUATION PROCEDURES

19 TAC § 89.1011(e)

TEC § 29.004(a-1)

How many days has the student been absent?

Three or more

Fewer than three



EVALUATION PROCEDURES

19 TAC § 89.1011(e)
19 TAC § 89.1011(c)(1)
TEC § 29.004(a)(1)

How many days has the student been absent?

Three or more

Fewer than three



EVALUATION PROCEDURES

19 TAC § 89.1011(e)
19 TAC § 89.1011(c)(1)
TEC § 29.004(a)(1)

Answer: The full individual and initial evaluation report must be completed, signed, and dated no later than **45 school days** following the date on which the written consent was received.



Answer: The full individual and initial evaluation report must be completed, signed, and dated no later than **45 school days** following the date on which the written consent was received **plus the number of days the student was absent.**



EVALUATION PROCEDURES

19 TAC § 89.1011(e)

19 TAC § 89.1011(c)(1)

TEC § 29.004(a)(1)

Answer: The full individual and initial evaluation report must be completed, signed, and dated and a copy provided to student's parent not **later than June 30th** of that year.



EVALUATION PROCEDURES

19 TAC § 89.1011(e)
TEC 29.004(a-1)

Question: When the full individual and initial evaluation is completed, what is the timeline from the date of the written report to hold an admission, review, and dismissal (ARD) committee meeting to determine eligibility?



Was the consent received at least 35 but less than 45 school days before the last instructional day of the school year?

YES

NO



**ADMISSION, REVIEW, AND
DISMISSAL COMMITTEE MEETING**

19 TAC § 89.1011(e)

How many days has the student been absent?

Three or
more

Fewer than
three



**ADMISSION, REVIEW, AND
DISMISSAL COMMITTEE MEETING**

19 TAC § 89.1011(e)

Answer: The admission, review, and dismissal (ARD) committee must meet within **30 calendar days** of completion of the written full individual and initial evaluation.



When does the 30th calendar day occur?



**ADMISSION, REVIEW, AND
DISMISSAL COMMITTEE MEETING**

19 TAC § 89.1011(d)

When does the 30th calendar day occur?

During the regular
school year when
school is in session

Summer when
school
is not in session



**ADMISSION, REVIEW, AND
DISMISSAL COMMITTEE MEETING**

19 TAC § 89.1011(d)

If the 30th calendar day is:

On a Saturday
or Sunday

On a holiday,
winter break,
or spring break

On a
teacher
workday



**ADMISSION, REVIEW, AND
DISMISSAL COMMITTEE MEETING**

19 TAC § 89.1011(d)

Answer: The ARD committee meeting must be held **before** the 30th calendar day.



Did the ARD committee find the student eligible for special education services?



**ADMISSION, REVIEW, AND
DISMISSAL COMMITTEE MEETING**

19 TAC § 89.1011(d)

Answer: If the 30th calendar day falls during the summer and school is not in session, the ARD committee must meet by the **first day of classes** in the fall.

- If the full individual and initial evaluation indicates a need for an extended school year, then the ARD committee must meet as soon as possible.

Did the ARD committee find the student eligible for special education services?



**ADMISSION, REVIEW, AND
DIMISSAL COMMITTEE MEETING**

19 TAC § 89.1011(d)

19 TAC § 89.1011(e)

Answer: When the consent was received **at least 35 but less than 45** school days before the last instructional day, and the student was **not absent 3 or more days** between receipt of the consent and the last instructional day, the ARD committee must meet **not later than the 15th school day** of the following school year.

- If the full individual and initial evaluation indicates a need for an extended school year, then the ARD committee must meet **as soon as possible**.

Did the ARD committee find the student eligible for special education services?



**ADMISSION, REVIEW, AND
DISMISSAL COMMITTEE MEETING**

19 TAC § 89.1011(e)

Question:

Did the admission, review, and dismissal (ARD) committee determine the student is eligible for special education services?

YES

NO



Answer:

The ARD committee **must**:

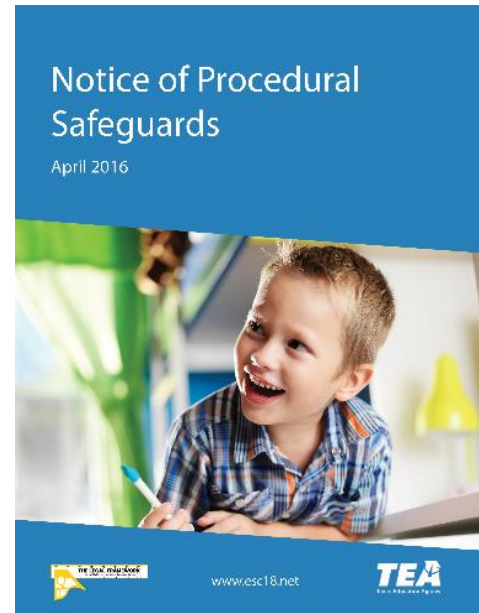
- Obtain a consent for initial services;
- Develop an individualized education program (IEP); **and**
- Provide a prior written notice for the identification, placement and provision of a free appropriate public education (FAPE).



CONSENT FOR SERVICES
34 CFR § 300.300(b)(1)
**ADMISSION, REVIEW, AND
DISMISSAL COMMITTEE MEETING**
19 TAC § 89.1050 (g)
PRIOR WRITTEN NOTICE
19 TAC § 89.1050(h)
34 CFR 300.503(a)

Answer: The ARD committee **must:**

- Provide a prior written notice to refuse to identify a student as one in need of special education services; **and**
- Provide the *Notice of Procedural Safeguards*.



[Notice of Procedural Safeguards](#)
[PRIOR WRITTEN NOTICE](#)

19 TAC § 89.1050(h)

34 CFR § 300.503(a)

Question: When a student with a disability transfers, what is the timeline to hold an annual admission, review, and dismissal (ARD) committee meeting?



In consultation with the parent, the school must provide a free appropriate public education (FAPE), including services comparable to those described from the previous school upon verification from the parent or the previous school that the student was receiving special education services.



CHILDREN WHO TRANSFER

34 CFR § 300.323(e)
19 TAC § 89.1050(j)

From where is the student transferring?

Within
the state

Outside
the state



CHILDREN WHO TRANSFER

34 CFR § 300.323(e)-(f)

19 TAC § 89.1050(j) (1)-(2)

Answer: The school has **30 school days** from the date the student is verified as being eligible for special education services to:

- Adopt the individualized education program (IEP) from the previous school; **or**
- Develop, adopt, and implement a new IEP.

In the interim, in consultation with the parent, the school must provide a free appropriate public education (FAPE), including services comparable to those described in the IEP from the previous school.



CHILDREN WHO TRANSFER
34 CFR § 300.323(e)(1)-(2)
19 TAC § 89.1050(j)(1)

Does school personnel see the need for an evaluation?

YES

NO



CHILDREN WHO TRANSFER
19 TAC § 89.1050(j)(1)-(2)
34 CFR § 300.323(f)(2)

Answer:

The school has **30 school days**, from the date the student is verified as being eligible for special education services, to hold an annual ARD committee meeting to develop a new individualized education program (IEP).



CHILDREN WHO TRANSFER

19 TAC § 89.1050(j)(2)

34 CFR § 300.323(f)

Answer: If the school determines an evaluation is necessary, the evaluation is considered a full individual and initial evaluation and must follow the initial referral timeline.



Review
initial referral
timeline



CHILDREN WHO TRANSFER
19 TAC § 89.1050(j)(2)
34 CFR § 300.323(f)(1)-(2)

Question: What is the timeline to convene an admission, review, and dismissal (ARD) committee meeting to determine whether the annual goals are being achieved?



Answer: The ARD committee must meet periodically, but not less often than **annually**.



What areas might prompt an ARD committee to meet more often than annually?



**ADMISSION, REVIEW, AND
DISMISSAL COMMITTEE MEETING**

34 CFR § 300.324(b)(1)(i)

Answer: The ARD committee must meet periodically to address:

**Lack of
expected
progress**

**Results of
any
reevaluation**

**Additional
needs of the
student**

**Information provided in the
review of existing evaluation data**



**ADMISSION, REVIEW, AND
DISMISSAL COMMITTEE MEETING**

34 CFR § 300.324(b)(1)(ii)(A)-(E)

Question: What is the timeline for a reevaluation of a student with a disability?



Do the student's educational or related service needs, including academic achievement and functional performance, warrant a reevaluation?

YES

NO



EVALUATION PROCEDURES

34 CFR § 300.303(a)(1)

34 CFR § 300.305(e)

Answer: Reevaluation must not occur more frequently than once a year, unless the parent and the school agree otherwise.



EVALUATION PROCEDURES

34 CFR § 300.303(b)(1)

Answer: Reevaluation must occur at least once every three years, unless the parent and the school agree otherwise.



Question: What is the timeline to address transition for a student with a disability?



How old is the student?

14 years
of age or
younger

16 years
of age or
younger



TRANSITION SERVICES

19 TAC § 89.1055(h)
TEC § 29.011
TEC § 29.0111
34 CFR § 300.320(b)

Answer: Not later than 14 years of age, the ARD committee must consider transition planning, and if appropriate, address the student's transition to life outside the public school system.



THE LEGAL FRAMEWORK

for the Child Care and Social Education Process

TRANSITION SERVICES

19 TAC § 89.1055(h)

TEC § 29.011

TEC § 29.0111

Answer: Transition services are to begin not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the ARD committee.



TRANSITION SERVICES

TEC § 29.0111

TEC § 29.011

34 CFR § 300.320(b)