

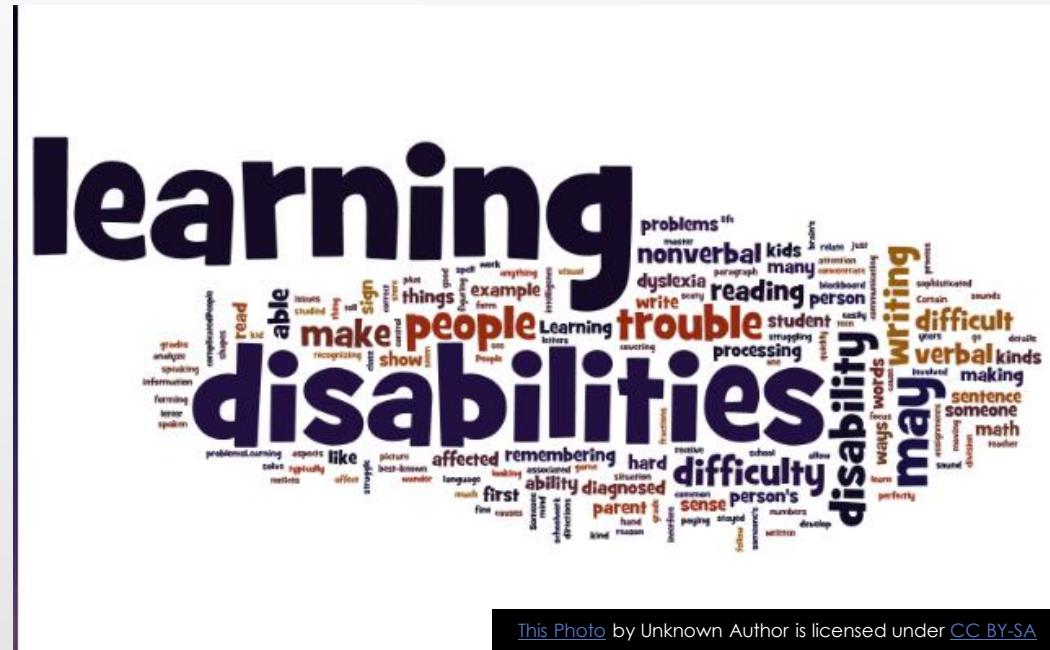
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Child Find

#70850

03/21/2018

IDEA 2014





- Introductions
- Child Find Procedures
- Referrals from Head Starts
- Transition from ECI
- Child Find Efforts
- Texas – State of Sp. Ed.
- CF Sharing

ESC 18 Legal Framework

CHILD FIND DUTY

Authorities: 20 U.S.C. §§ 1401, 1412; 42 U.S.C. § 11434a; 34 C.F.R. Part 300; 19 T.A.C. Chapter 89

FEDERAL AND STATE REQUIREMENTS		CITATIONS
<input type="checkbox"/> <u>P</u>	All children with disabilities residing in the state, regardless of the severity of their disabilities, and who are in need of special education and related services, must be identified, located, and evaluated.	300.111(a)(1)(i) 1412(a)(3)(A)
<input type="checkbox"/> <u>P</u>	The term <i>special education</i> means specially-designed instruction, at no cost to the parents, to meet the unique needs of the child with a disability, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and instruction in physical education.	300.39(a)(1) 1401(29)
<input type="checkbox"/> <u>P</u>	The term <i>specially-designed instruction</i> means adapting, as appropriate to the needs of an eligible child under the Individuals with Disabilities Education Act, the content, methodology, or delivery of instruction:	300.39(b)(3)
<input type="checkbox"/> <u>P</u>	<ul style="list-style-type: none">To address the unique needs of the child that result from the child's disability; and	300.39(b)(3)(i)

Child Find Procedures



<input type="checkbox"/> <u>P</u>	<ul style="list-style-type: none"> To ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the local educational agency (LEA) that apply to all students. 	300.39(b)(3)(ii)
<input type="checkbox"/> <u>P</u>	<p>The term <i>related services</i> means transportation, and such developmental, corrective, and other supportive services as may be required to assist the child with a disability to benefit from special education.</p>	300.34(a) 1401(26)
<input type="checkbox"/> <u>P</u>	<p>The term <i>child with a disability</i> means the child was evaluated according to the EVALUATION frameworks and determined by an ADMISSION, REVIEW, AND DISMISSAL COMMITTEE to have an intellectual disability, a hearing impairment, a speech or language impairment, a visual impairment, a serious emotional disturbance, an orthopedic impairment, autism, traumatic brain injury, other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services.</p>	300.8(a)(1) 1401(3)(A)
<input type="checkbox"/> <u>P</u>	<p>In addition to students enrolled in the public schools, the Child Find duty extends to:</p>	300.111(a)(1)(i) 1412(a)(3)(A)
<input type="checkbox"/> <u>P</u>	<ul style="list-style-type: none"> Children with disabilities who are homeless or are wards of the state; and 	300.111(a)(1)(i) 300.19 42 USC 11434a 1412(a)(3)(A)
<input type="checkbox"/> <u>P</u>	<ul style="list-style-type: none"> Children with disabilities who are attending private schools. 	300.111(a)(1)(i) 1412(a)(3)(A)
<input type="checkbox"/> <u>P</u>	<p>The LEA in which the PRIVATE SCHOOL is located must comply with CHILD FIND FOR PARENTALLY-PLACED PRIVATE SCHOOL CHILDREN.</p>	300.131

Child Find Procedures

<http://www.wrightslaw.com/info/child.find.index.htm>



	REFERRAL FOR INITIAL EVALUATION	
<input type="checkbox"/> <u>P</u>	Either the parent of the student, a state educational agency, an LEA, an educational service agency (ESA), or a nonprofit public charter school that is not otherwise included as and not a school of an LEA or ESA, and any other political subdivision of the state that is responsible for providing education to children with disabilities, may initiate a request for an initial evaluation to determine if the student is a child with a disability.	300.301(b) 300.33 89.1011(a)
<input type="checkbox"/> <u>P</u>	If the student continues to experience difficulty in the general education classroom after the provision of intervention, the LEA must refer the student for an initial evaluation.	89.1011(a)
<input type="checkbox"/> <u>P</u>	Whenever a student is referred for an initial evaluation, the LEA must provide <u>PRIOR WRITTEN NOTICE</u> of its proposal or refusal to evaluate the student.	300.503(a) 300.300(a)(1)(iii)
<input type="checkbox"/> <u>P</u>	Before conducting a full individual and initial evaluation, the LEA must obtain from the parent <u>CONSENT FOR INITIAL EVALUATION</u> .	300.300(a) 1414(a)(1)(D)(i)(I)
<input type="checkbox"/> <u>P</u>	For a student suspected of having a specific learning disability, the LEA must refer for an initial evaluation including by providing prior written notice, and promptly request consent for initial evaluation if, prior to a referral, the student has not made adequate progress after an appropriate period of time when provided:	300.309(c) 300.301 300.303
<input type="checkbox"/> <u>P</u>	<ul style="list-style-type: none"> • Appropriate instruction in regular education settings, delivered by qualified personnel as demonstrated by the data; and 	300.309(c)(1) 300.309(b)(1)
<input type="checkbox"/> <u>P</u>	<ul style="list-style-type: none"> • Repeated assessments of achievement at reasonable intervals, reflecting formal assessment of the student's progress during instruction, which was data-based, documented, and provided to the student's parent. 	300.309(c)(1) 300.309(b)(2)
<input type="checkbox"/> <u>P</u>	The LEA must comply with the <u>SPECIAL EDUCATION ELIGIBILITY FOLDER</u> framework for maintaining copies of referral data.	




Letter to Chapman

Office of Special Education Programs

August 22, 2007

Under 34 CFR § 300.130, parentally-placed private school children with disabilities are defined as children with disabilities enrolled by their parents in private, including religious, schools or facilities that meet the definition of elementary school in 34 CFR § 300.13 or secondary school in 34 CFR § 300.36.

The definition of "elementary school" at 34 CFR § 300.13 states: *Elementary school* means a *nonprofit* institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under State law. The definition of "secondary school" at 34 CFR § 300.36 states: *Secondary school* means a *nonprofit* institutional day or residential school, including a public secondary charter school that provides secondary education, as determined under State law, except that it does not include any education beyond grade 12. (Emphasis added.)



Because both definitions require that the schools be nonprofit, children with disabilities placed by their parents in for-profit private schools are not included in the definition of "parentally-placed private school children with disabilities." Therefore, they would not be included in the proportionate share calculation or be eligible for equitable services under 34 CFR §§ 300.130-300.144.

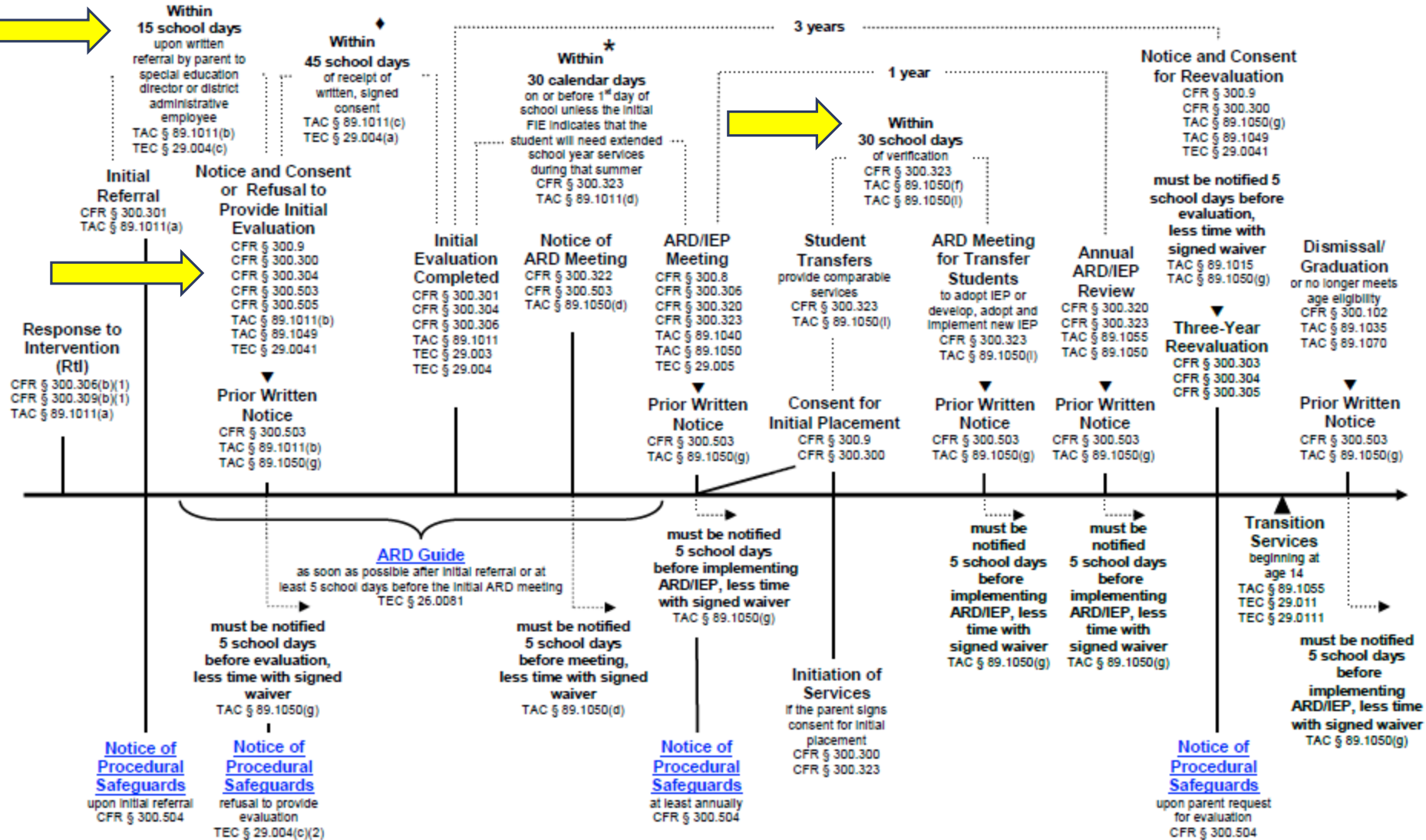
The **child find obligation exists independently from the requirement** to expend a proportionate share of IDEA funds to provide services to eligible parentally-placed private school children with disabilities. Under section 612(a)(3)(A) of IDEA and 34 CFR § 300.111, a State must ensure that all children with disabilities residing in the State, including children with disabilities attending private schools, and who are in need of special education and related services, are identified, located, and evaluated; this includes children with disabilities attending for-profit private schools.

Head Start and Rti



- http://tea.texas.gov/Curriculum_and_Instructional_Programs/Special_Education/Programs_and_Services/Response_to_Intervention/
- **Head Start and Rti**
- 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](#)

Timeline | Child-Centered Special Education Process



Exceptions

- ◆ Parent repeatedly fails or refuses to produce the child [CFR § 300.301(d)(1)]; or
- ◆ Child who is enrolled in public school transfers from another LEA while evaluation is pending (refer to [Children who Transfer](#) framework); or
- ◆ Child who is enrolled in public school is absent three or more days during the evaluation period (extended by number of school days absent) [TEC 29.004(a)(1)]; TAC § 89.1011(c)(1)]; or
- * ◆ Consent is received at least 35 but less than 45 school days before the end of the school year (due by June 30); and the initial ARD to be held by the 15th school day of the following school year. If the child is absent three or more days during the period, the evaluation is due within 45 school days plus the number of days absent [TEC § 29.004(a-1); TEC § 29.004(a)(1); TAC § 89.1011(e); TAC § 89.1011(c)(1)].

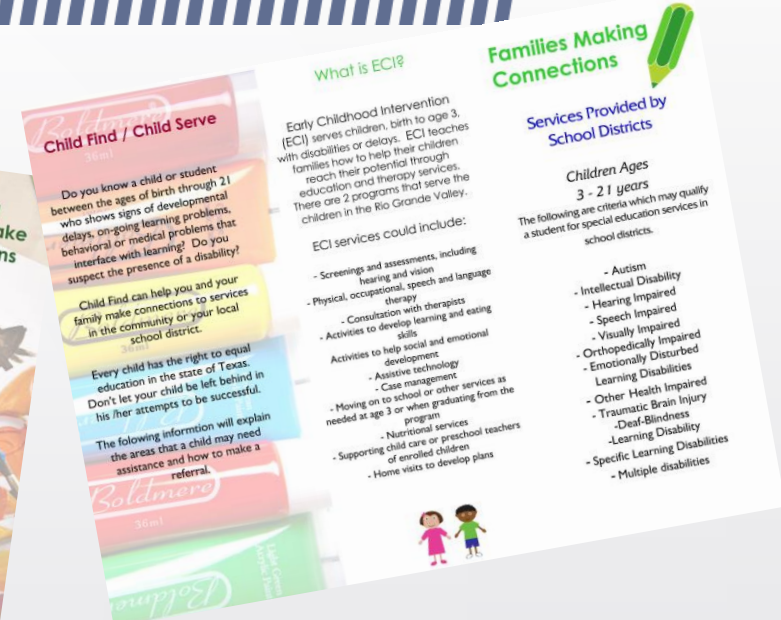


Timeline Decision Tree 2017

- ESC 18 Legal Framework
- Tabs across top – Documents
- Timeline Decision Tree Feb 2017 with Audio
- <http://prntexas.org/interactive-timeline-decision-tree/>

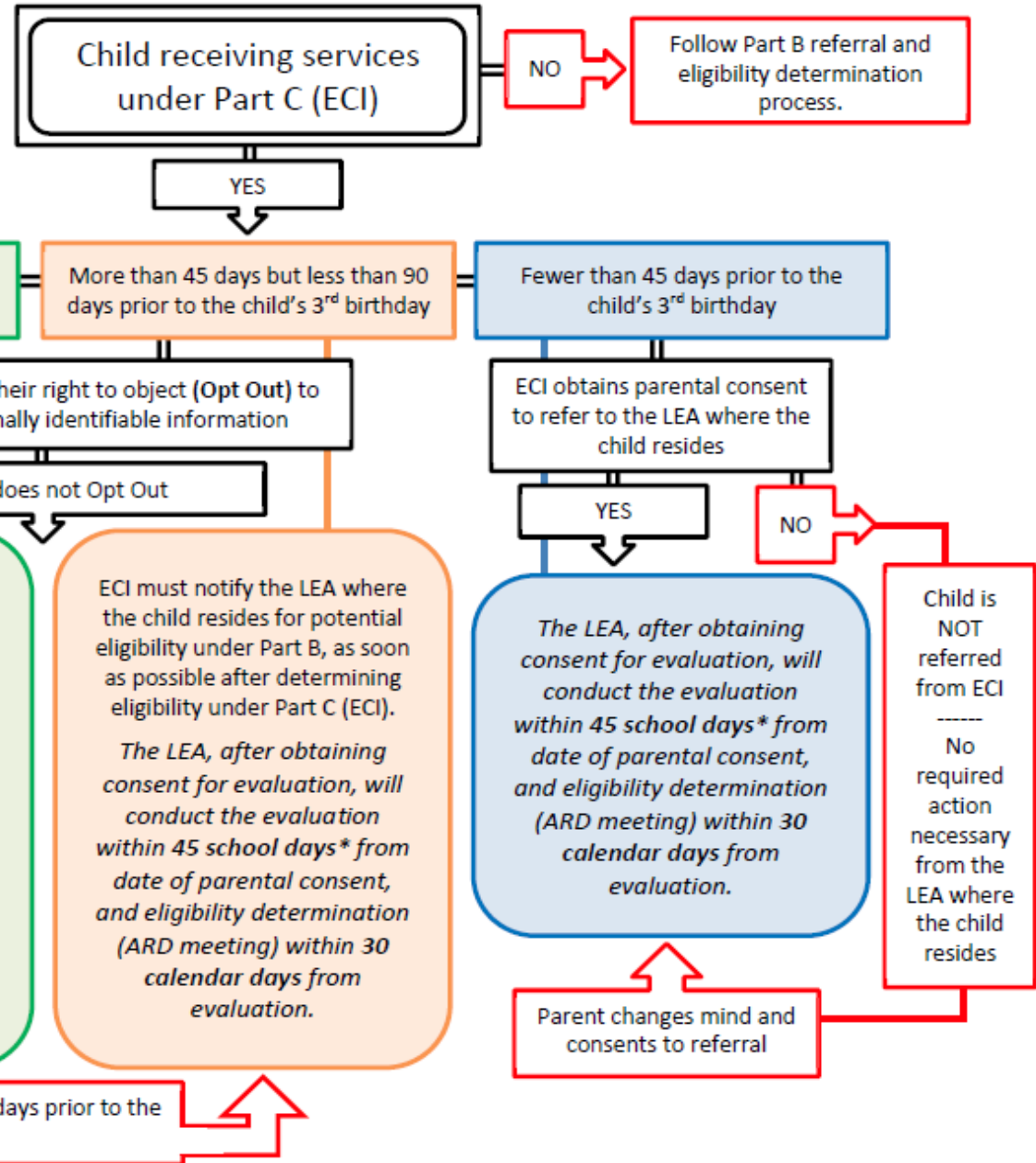
Region One ESC – Child Find

- Provides Child Find posters at district's request
- Provides website with English and Spanish brochures which can be downloaded and printed.





**ECI (Part C) to LEA (Part B)
Flowchart based on Federal and
State Regulatory Requirements**



Transition from ECI

* In accordance with current State established initial evaluation timelines.

Decision Tree PPCD Location Codes

KEY

The number in the box indicates the corresponding PPCD-Service-Location-Code for Texas PEIMS submissions.

Decision Tree for Coding Educational Environments for Preschool Special Education Services

Is the child attending a regular early childhood program?

YES

NO

If YES, determine the following:
How many hours does the child attend a regular early childhood program?

If NO, determine the following:
Is the child attending a special education program?

At least 10 hours per week

Less than 10 hours per week

If YES,
C1 = Special Education Classroom **3**
C2 = Separate School
C3 = Residential facility

If NO,
Is the child receiving the majority of special education and related services in the residence of the child's family or caregiver?

If at least 10 hours per week:
Where does the child receive the majority of hours of special education and related services?
1 A1 = In the regular education program
5 A2 = In some other location.

If less than 10 hours per week:
Where does the child receive the majority of hours of special education and related services?
4 B1 = In the regular education program
6 B2 = In some other location

Definitions
C1 Special Education Classroom = includes a majority (at least 50%) of children with disabilities (i.e., children on IEPs). This category may include, but is not limited to programs in:
• Regular school buildings
• Trailers, Portables
• Child care facilities
• Hospital facilities – out patient
• Other community based settings

If YES, **7**
D1 = Home

If NO,
D2 = Service Provider location or some other location that is not in any other category
8

Regular Early Childhood Program is a program that includes a majority (at least 50 percent) of nondisabled children (i.e., children not on IEP's). This category may include, but is not limited to:

- Kindergarten, public or private
- Preschool classes, public or private
- Group child development center or child care

http://www.esc20.net/default.aspx?name=ci_se.PPCD.PEIMSDecisionTree

Child Find Roles & Responsibilities

[INSERT PROGRAM OR DISTRICT NAME]

Department of Special Education

Child Find Services

Staff Roles and Responsibilities

Personnel assigned to the following positions have been assigned responsibilities related to the Child Find Identification process. Each person has received training regarding the policies and procedures for Child Find activities for which they have the designated responsibility.

ROLE: District Child Find Contact/ Coordinator

Person Assigned: _____ Position: _____

RESPONSIBILITIES:

- ⌘ Provides district/program coordination of Child Find efforts
- ⌘ Maintains documentation of Child Find activities
- ⌘ Conducts and maintain documentation of Child Find public awareness efforts
- ⌘ Maintains documentation system for Child Find referrals
- ⌘ Coordinates or be responsible for the coordination of Early Childhood Intervention interactions in compliance with federal or state guidelines
- ⌘ Maintains a dissemination network information regarding community agencies, facilities,

Child Find Roles & Responsibilities

- ¥ Distributes Child Find information and training materials within the district/program
- ¥ Performs other duties as necessary to maintain and support Child Find efforts and requirements

ROLE: District Child Find Assessment Personnel

Positions Responsible: Educational Diagnosticians and Psychologists, Other Staff as Appropriate

RESPONSIBILITIES:

- ¥ Assists with district/program coordination of Child Find efforts
- ¥ Maintains documentation of Child Find activities
- ¥ Maintains documentation system for Child Find referrals
- ¥ Processes referrals and conducts assessments in a timely and appropriate manner
- ¥ Maintains documentation as required for compliance with timelines and other guidelines
- ¥ Complies with state Child Find system requirements regarding assessment and evaluations
- ¥ Participates in IEP development and placement decision-making as designated
- ¥ Distributes Child Find information and training materials as requested
- ¥ Performs other duties as necessary to maintain and support Child Find efforts and requirements

Child Find Roles & Responsibilities

ROLE: Campus Child Find Contact/Coordinator

Positions Responsible: Campus Secretaries, Counselors, or Others as Assigned

RESPONSIBILITIES:

- ≡ Assists with district/program implementation of Child Find efforts
- ≡ Documents Child Find activities as assigned
- ≡ Documents dissemination of Child Find information and materials as requested
- ≡ Performs other duties as assigned to maintain and support Child Find efforts and requirements

ROLE: Elected District Officials

Positions Responsible: Board Members

RESPONSIBILITIES:

Child Find Roles & Responsibilities

ROLE: Elected District Officials

Positions Responsible: Board Members

RESPONSIBILITIES:

- ≡ Completes required training regarding the Child Find process and procedures
- ≡ Supports procedures that provide compliance with state or federal Child Find guidelines
- ≡ Performs other duties as necessary to maintain and support Child Find efforts and requirements

ROLE: District and Campus Administrators

Positions Responsible: Central Office Administrators, Principals, Assistant Principals, and Others

RESPONSIBILITIES:

- ≡ Assists with district/program implementation of Child Find efforts
- ≡ Maintains responsibility for the gathering of documentation of Child Find activities
- ≡ Distributes and/or displays Child Find information and training materials as requested
- ≡ Provides assurance that required Child Find training has been provided to assigned staff
- ≡ Maintains documentation as required for compliance with timelines and other guidelines
- ≡ Participates in IEP development and placement decision-making as designated
- ≡ Performs other duties as necessary to maintain and support Child Find efforts and requirements




Child Find Roles & Responsibilities

ROLE: Instructional Personnel

Positions Responsible: **General and Special Education Teachers and Paraprofessionals**

RESPONSIBILITIES:

- ⌘ Assists with district/program implementation of Child Find efforts
- ⌘ Provides necessary documentation of Child Find activities and referrals
- ⌘ Maintains documentation as required for compliance with federal and state guidelines
- ⌘ Participates in IEP development and placement decision-making as designated
- ⌘ Distributes Child Find information and training materials as requested
- ⌘ Completes required training regarding the Child Find process and procedures
- ⌘ Performs other duties as necessary to maintain and support Child Find efforts and requirements



Child Find Roles & Responsibilities

ROLE: District and Campus Professional Support Personnel

Positions Responsible: Counselors, Instructional Coordinators, Other Staff as Appropriate

RESPONSIBILITIES:

- ⌘ Assists with district/program coordination of Child Find efforts as designated
- ⌘ Maintains documentation of Child Find activities as designated
- ⌘ Maintains documentation system for Child Find referrals as designated
- ⌘ Participates in the referral process as required in a timely and appropriate manner
- ⌘ Maintains documentation as required for compliance with state or federal guidelines
- ⌘ Participates in IEP development and placement decision-making as designated
- ⌘ Distributes Child Find information and training materials as requested
- ⌘ Completes required training regarding the Child Find process and procedures
- ⌘ Performs other duties as necessary to maintain and support Child Find efforts and requirements

Child Find Roles & Responsibilities

ROLE: District and Campus Office Staff

Positions Responsible: Central Office and Campus Secretaries, Clerks, and Support Paraprofessionals

RESPONSIBILITIES:

- ⌘ Assists with district/program implementation of Child Find efforts
- ⌘ Participates in gathering of documentation of Child Find activities as assigned
- ⌘ Completes required training regarding the Child Find process and procedures
- ⌘ Distributes Child Find information and training materials as requested
- ⌘ Completes required training regarding the Child Find process and procedures
- ⌘ Performs other duties as necessary to maintain and support Child Find efforts and requirements

ROLE: Other District and Campus Personnel

Positions Responsible: Maintenance Workers, Janitors, Cafeteria Staff, Bus Drivers, and Others

RESPONSIBILITIES:

- ⌘ Completes required training regarding the Child Find process and procedures
- ⌘ Performs other duties as necessary to maintain and support Child Find efforts and requirements



NOTE TO CHILD FIND COORDINATOR: THIS DOCUMENT IS ALSO CONTAINED IN THE CORRESPONDENCE FILE WITH A SAMPLE MEMORANDUM TO PRINCIPALS.

[INSERT PROGRAM OR DISTRICT NAME]

Department of Special Education

Child Find Services

CAMPUS ASSURANCES CHECKLIST

This form is to be completed by each campus principal and returned to [INSERT CONTACT PERSON'S NAME] at [INSERT LOCATION TO RETURN TO]. Check each item as appropriate.

- Yes No I have reviewed the Child Find requirements with my faculty.
- Yes No I have displayed the Child Find Poster(s) in readily accessible locations.
- Yes No My secretary and other appropriate support staff have been trained on the procedures for enrolling students new to the district regarding the appropriate responses to inquiries regarding services to students with disabilities from birth through 21 years of age.
- Yes No My counselor understands his/her role in the enrollment of students new to the district or for transfers from other district.
- Yes No My counselor understands his/her responsibility for maintaining an accurate Child Find log and submitting it to the district Child Find Contact at the end of each semester.
- Yes No My staff has demonstrated an understanding for our obligation to serve students with special needs in child care facilities, private schools, and care and treatment facilities, and they are expected to respond in an appropriate and timely manner to inquiries from personnel and/or parents from these facilities.
- Yes No My teachers and members of [INSERT TITLE OF STUDENT SUPPORT TEAM OR OTHER GROUP] on my campus are knowledgeable about the characteristics of various disabilities, are able to identify students at risk for these conditions, and refer appropriate students for special education consideration.

Campus Assurances Checklist

Campus Assurances Checklist



I further verify that I have provided information to the following campus personnel about the requirements and procedures for Child Find efforts in our district. (Please check all that apply to your campus.)

- | | |
|--|---|
| <input type="checkbox"/> Counselors | <input type="checkbox"/> Special Education Teachers |
| <input type="checkbox"/> Campus Secretaries | <input type="checkbox"/> Paraprofessionals |
| <input type="checkbox"/> Office Support Personnel | <input type="checkbox"/> Maintenance Personnel |
| <input type="checkbox"/> School Nurses | <input type="checkbox"/> Cafeteria Personnel |
| <input type="checkbox"/> General and Remedial Education Teachers | <input type="checkbox"/> Other, please |

specify: _____

Date(s) of Training: _____

Methods of Training: Faculty Meeting Individual Packets

Inservice Session(s) Videotape Presentation(s)

Team or Dept. Meetings Other, specify _____

District _____ Campus _____

Printed Name of Principal _____ Date _____

Signature of Principal _____



Texas – State of Special Education

- TEA Correspondence (**Let's Take A Look**)
 - **SUBJECT: Responsibilities and Timelines Regarding Parent Requests for Special Education Evaluations under the Individuals with Disabilities Education Act (IDEA), the Texas Education Code (TEC), and the Texas Administrative Code (TAC).**
 - **Purpose of Letter is to:**
 1. **Provide a brief overview of OSEP's findings**
 2. **Articulate and confirm obligations mandated under IDEA**
 3. **Provide information related to TEA's next steps**



OSEP’s Findings Federal officials examined special education enrollment data, held five listening sessions with diverse stakeholders, and conducted twelve on-site district visits. As a result, OSEP identified three areas of noncompliance under IDEA.2

1. “TEA failed to ensure that all children with disabilities residing in the State who are in need of special education and related services were identified, located, and evaluated, regardless of the severity of their disability, as required by IDEA section 612(a)(3) and its implementing regulation at 34 C.F.R. §300.111.
2. TEA failed to ensure that [a free appropriate public education (FAPE)] was made available to all children with disabilities residing in the State in Texas’s mandated age ranges (ages 3 through 21), as required by IDEA section 612(a)(1) and its implementing regulation at 34 C.F.R. §300.101.
3. TEA failed to fulfill its general supervisory and monitoring responsibilities as required by IDEA sections 612(a)(11) and 616(a)(1)(C), and their implementing regulations at 34 C.F.R. §§300.149 and 300.600, along with 20 U.S.C. 1232d(b)(3)(A), to ensure that ISDs throughout the State properly implemented the IDEA child find and FAPE requirements.”

Summary of LEA Responsibilities

LEAs are responsible for identifying, locating, and evaluating all students who are potentially eligible for special education and related services.³ An LEA's child find duty to seek parental consent to evaluate a child when it suspects or has reason to suspect that the child has a disability and needs special education services is an affirmative one; a parent is not required to request that the LEA identify and evaluate the child. However, a parent may request an initial evaluation at any time if the parent believes that his or her child is a child with a disability in need of special education and related services.⁴



If a parent submits a written request for an initial evaluation to an LEA's director of special education services or to an LEA administrative employee, the LEA must, by the 15th school day following the date of receipt of the request, provide the parent either: 1) prior written notice of its proposal to conduct an evaluation, a copy of the Notice of Procedural Safeguards, and the opportunity to give written consent for the evaluation; or 2) prior written notice of its refusal to evaluate, including an explanation of why the LEA refuses to conduct an initial evaluation and the information that was used as the basis for the decision, as well as a copy of the Notice of Procedural Safeguards.⁵

If the LEA proposes to conduct an initial evaluation, the LEA must obtain written, parental consent and should promptly complete the initial evaluation report. The LEA must complete the initial evaluation report no later than the 45th school day following the date parental consent is received except in specific situations as outlined in TEC §29.004 and 19 TAC §89.1011(c) and (e).



If, however, the LEA denies the request for an initial evaluation, the parent can challenge this decision by requesting a due process hearing⁶ or filing a state complaint⁷ to resolve the dispute regarding the child's need for an evaluation, as explained in the Notice of Procedural Safeguards, which the LEA is required to provide to parents.⁸ A third party may also file a special education complaint⁹ to address the LEA's refusal to evaluate the child for special education eligibility. A parent and an LEA may also agree to engage in no-cost mediation to attempt to resolve their dispute.¹⁰

As a reminder, it would be inconsistent with IDEA's evaluation requirements for an LEA to reject a referral and delay provision of an initial evaluation on the basis that a child has not participated in a Response to Intervention (RtI) framework.¹¹



Child Find Obligations under IDEA

Child Find Background¹² Central to IDEA and its implementing regulations is the requirement that all states have policies and procedures in place to ensure that all children with disabilities within the state who are in need of special education and related services are identified, located, and evaluated.¹³ This duty, referred to as “child find,” includes children with disabilities who are:¹⁴

- Homeless;
- Wards of the state;
- Attending private schools;
- Highly-mobile; and/or
- Suspected of being a child with a disability and in need of special education, even if they are advancing from grade to grade.



IDEA defines children with disabilities as those children who:

- Have been properly evaluated and determined as having an intellectual disability, a hearing impairment, a speech or language impairment, a visual impairment, a serious emotional disturbance, an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities; and
- Require special education and related services as a result of the disability.¹⁵

A child who has one of the above-mentioned disabilities is not a child with a disability under IDEA if:


- the child does not require special education and related services due to the disability, or
- the child requires a related service only.¹⁶

An LEA's failure to meet IDEA's child find requirements is a serious matter that could result in denying FAPE to a child who is eligible for special education services. Furthermore, the failure to identify a child may entitle the child to compensatory education or tuition reimbursement.

Dyslexia and/or Related Disorders Though the child find mandate applies to students with dyslexia and/or related disorders, OSEP found systemic IDEA violations related to this population. Dyslexia is a lifelong disability that manifests differently in individuals. The disability is generally characterized by an insufficient ability to read, spell, and link letters to sounds. Many students who struggle with dyslexia also grapple with co-occurring disorders, such as dysgraphia, dyscalculia, and ADHD.

In its report, OSEP found that students with dyslexia are often evaluated and accommodated under Section 504 of the Rehabilitation Act regardless of students' potential need for specialized instruction under IDEA.¹⁷ LEAs are reminded that, if a student is suspected to have dyslexia and/or a related disorder and a need for special education services, they must refer the student for an initial evaluation in accordance with 34 C.F.R. §§300.300-300.311

LEAs may not deny an initial evaluation or special education services to a student with dyslexia and/or related disorders because he or she does not present a second, potentially disabling condition.



This spring, under the direction of the State Board of Education, TEA will partner with stakeholders to update the Dyslexia Handbook to clarify IDEA requirements as they relate to screening, evaluating, and serving students with dyslexia and/or related disorders.

Response to Intervention Strategies¹⁸

As stated in the Parent's Guide to the Admission, Review, and Dismissal Process, a child does not need to advance through each tier of an RtI system before a referral for special education is made.¹⁹ Furthermore, OSEP has advised that it would be inconsistent with the evaluation provisions of IDEA for an LEA to reject a referral and delay an initial evaluation on the basis that a student has not participated in an RtI framework.²⁰ Once it is apparent that general education interventions are not sufficient to address a student's difficulty in the general classroom, LEA personnel must initiate a referral.²¹



LEAs are reminded that parents may also request a referral at any time regardless of whether the child is receiving interventions through the RtI framework.²² OSEP has advised that, unless an LEA believes there is no reason to suspect that a child has a disability and is in need of special education services, an evaluation must be conducted within the applicable timeline.²³ If, however, an LEA does not suspect that the child is a child with a disability and denies the request for an initial evaluation, the LEA must provide written notice to the child's parents explaining why the LEA declines to conduct an initial evaluation and the information that was used as the basis for that decision.²⁴ The parent may then challenge this decision by requesting a due process hearing under 34 CFR §300.507 or filing a complaint under 34 CFR §300.153 to resolve the dispute regarding the child's need for an evaluation.

LEAs are also reminded that the 85th Texas Legislature passed Senate Bill (SB) 1153 to improve outcomes for struggling learners receiving services through intervention strategies, including the RtI process. Accordingly, during each school year when a child begins receiving assistance through the RtI process, LEAs must provide the child's parents with written notice containing the following information.²⁵



1. A reasonable description of the assistance that may be provided to the child, including any intervention strategies that may be used;
2. Information collected regarding any interventions in the base tier of a multi-tiered system of supports that has previously been used with the child;
3. An estimate of the duration for which the assistance, including through the use of intervention strategies, will be provided;
4. 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
5. Information about the parent's right to request, among other things, a special education evaluation at any time.



TEA Next Steps TEA will finalize a corrective action plan in April 2018. As outlined in its letter to TEA, OSEP must receive the following in the plan.²⁶

1. “Documentation that the State’s system of general supervision requires that each ISD identifies, locates, and evaluates all children suspected of having a disability who need special education and related services, in accordance with section 612(a)(3) of the IDEA and its implementing regulation at 34 C.F.R. §300.111, and makes FAPE available to all eligible children with disabilities in accordance with section 612(a)(1) of the IDEA and its implementing regulation at 34 C.F.R. §300.101.

2. A plan and timeline by which TEA will ensure that each [LEA] will


a. Identify, locate, and evaluate children enrolled in the [LEA] who should have been referred for an initial evaluation under the IDEA; and

b. Require individualized education program (IEP) Teams to consider, on an individual basis, whether additional services are needed for children previously suspected of having a disability who should have been referred for an initial evaluation and were later found eligible for special education and related services under the IDEA, taking into consideration supports and services previously provided to the child. [L] [SEP]



4. A plan and timeline by which TEA will monitor [LEAs'] implementation of the IDEA requirements described above when struggling learners suspected of having a disability and needing special education and related services under the IDEA are receiving services and supports through Rtl, Section 504, and the State's dyslexia program."

The corrective action plan submitted to OSEP will describe actions TEA will take to meet the requirements listed above.



Ongoing Feedback Opportunities There have been and continue to be ongoing opportunities for all stakeholders to provide feedback on the corrective action plan and on the larger strategic vision for special education. These include:

- On January 18, 2018, TEA submitted a draft corrective action plan to Governor Abbott.²⁷ □
- Over 100 stakeholder meetings were scheduled throughout the month of February in each of the twenty established regions in the state at both Education Service Centers (ESCs) and at LEAs. □
- Stakeholders had the opportunity to provide feedback on the initial draft in an online survey through February 20, 2018. □
- Stakeholders have the opportunity to provide ongoing feedback through the official email address: TexasSPED@tea.texas.gov. □
- On or about March 5, 2018, TEA will release its proposed corrective action plan as part of the SPED Strategic Plan. □
- Stakeholders may provide feedback on the proposed plan during an additional comments period, which will run through March 31, 2018. Feedback during this period should be submitted to TEA in writing using the email address noted above. □
- In April, TEA will submit its final corrective action plan to OSEP and will also publish a Special Education Strategic Plan.



For information about how TEA is engaging parents, educators, administrators, school boards, and other stakeholders in the plan's development, see page 13 of TEA's initial draft corrective action plan and/or visit the website at

www.tea.texas.gov/TexasSPED/ .

Questions regarding this information should be directed to TEA's Department of Special Populations, Division of Special Education:

Phone: 512-463-9414 Email: sped@tea.texas.gov

Thank you for your attention to this critical work and for our shared commitment to serving and supporting students in the state of Texas

In Closing

- LEA / Agency Sharing
- Questions

Contact:

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