

# OPERATING PROCEDURES

## REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES

Goose Creek CISD

101911

Template update May 2020

Legal Framework: REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES

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Broad Category: CHILD FIND

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### PROCEDURES:

#### PRIOR TO AN INITIAL REFERRAL TO SPECIAL EDUCATION

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**34 CFR § 300.226, Early intervening services; TAC §89.1011(a), Full and Individual Initial Evaluation; TEC § Sec. 29.08, Compensatory, Intensive, and Accelerated Instruction.**

“Prior to a referral [to special education], 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 evidence -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. Goose Creek CISD utilizes the Student Support Team (RTI) to consider all early intervening services provided, all evidence-based reading or other programs used, and any support services available to all students prior to referral for special education evaluation. The RTI Team documents interventions prior to the referral for special education evaluation.

#### General Education Responsibilities

Goose Creek CISD utilizes a Multi-Disciplinary Team Meeting approach (MDT) process. MDT encompasses supports for the whole child, and takes into account academics, behavior, and social/emotional supports. Goose Creek CISD has created procedures and systems referred to Responsive Instruction, to encompass MTSS. When a student is having difficulty, this process is implemented in order to address the student’s specific needs. The needs include academic, behavioral, emotional, speech, or social difficulties.

#### Membership of the Response to Intervention (RtI) Team

The campus administrator determines membership based on district guidelines. It is

## OPERATING PROCEDURES

### REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES

Goose Creek CISD

101911

appropriate that special education personnel participate in the RTI process but should not be assigned primary responsibility for the Rtl team process (i.e., RTI Chairperson).

#### **Process for Students Exhibiting Visual and/or Auditory problems**

On occasion, the Rtl Team may consult with an evaluation staff member (SLP/Diag/LSSP) for a student not identified as receiving special education services who is exhibiting visual or auditory deficits. If there is a suspected visual and/or Deaf/Hard of Hearing (D/HH) include in the referral packet any outside physician reports related to hearing and vision such as the audiological, otolaryngology, or Texas eye report.

#### **Process for Students who are Exhibiting Behavior Problems**

Goose Creek CCISD has a variety of interventions for students not identified as receiving special education services who are exhibiting behavior problems. Campuses should consult the campus administrator for assistance with the Rtl process. The campus assigned behavior specialist may also be consulted as part of the Tier 3 intervention process.

#### **Response to Intervention (Rtl) or Multi- Disciplinary Team (MDT)**

An RTI or MDT process cannot be used to delay or deny the full and individual evaluation of a child suspected of having a disability under 34 CFR §300.8, whether the disability is suspected by school personnel or the child's parent. Nothing in Texas Education Code section 89.1011 prohibits school personnel or the child's parent from referring a child suspected of having a disability for an initial evaluation prior to completion of the RTI or MDT process.

Additionally, whether or not the local educational agency (LEA) is implementing an RTI or MDT process, if a parent requests such an evaluation and the LEA does not suspect the child has a disability and therefore believes that an evaluation is not necessary, it must provide the parent with prior written notice under 34 CFR § 300.503 that it is refusing the parent's proposal of a full and individual evaluation. Under 34 CFR § 503(b), the written notice must include, among other things, an explanation of why the LEA refuses to conduct an initial evaluation and the information used as the basis to make that decision.

The district uses the following screeners for monitoring students' progress:

- PK – CLI
- Kinder – TXKEA

## OPERATING PROCEDURES

### REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES

Goose Creek CISD

101911

- 1<sup>st</sup> & 2<sup>nd</sup> TPRI or Tejas LEE for reading
- 1<sup>st</sup> & 2<sup>nd</sup> Renaissance for math
- 3<sup>rd</sup> – Algebra I and ENG I – Renaissance for math and reading.

The implementation of a RTI or MTSS process is not a reason to fail to respond to a parent’s request for an initial evaluation. The LEA must either: (1) provide notice consistent with 34 CFR §§ 300.503-.504 and obtain informed, written consent consistent with 34 CFR § 300.9 before conducting the evaluation pursuant to 34 CFR § 300(a)(1); or (2) provide notice under 34 CFR § 300.504 that the LEA is refusing to conduct the evaluation. It would be inconsistent with the evaluation provisions for an LEA to wait until the completion of RTI or MTSS interventions before responding to the parent’s request for an initial evaluation in one of those two ways.

#### Request for an Initial Evaluation Timeline

If a parent/guardian makes a written request to a local educational agency’s director of special education services or to a district administrative employee for an initial evaluation for special education services, the school must, not later than the 15th school day after the date the school receives the request, either give the parent : 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 your child and a copy of the Notice of Procedural Safeguards.

Please note that a request for a special education evaluation may be made verbally and does not need to be in writing. The District must still comply with all federal notice requirements and requirements for identifying, locating, and evaluating children who are suspected of being a child with a disability and in need of special education. *However, a verbal request does not require the district or charter school to respond within the 15-school-day timeline.*

#### **LEGAL REFERENCE (Consent for Evaluation)**

**34 Code of Federal Regulations § 300.300 Parental consent.**

***Parental consent for initial evaluation.***

## OPERATING PROCEDURES

### REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES

Goose Creek CISD

101911

*The public agency proposing to conduct an initial evaluation to determine if a child qualifies as a child with a disability must obtain informed consent from the parent of the child before conducting the evaluation.*

The Educational Diagnostician/LSSP, Counselor, Speech Pathologist, or other trained personnel will notify the parent of his/her rights by providing a copy of the TEA Document: *Explanation of Procedural Safeguards*, explaining designated sections and offering to answer any questions about it. The parent/guardian will also receive:

- The *Notice of Full and Individual Evaluation (FIE)*, an explanation of the notice including a description of the data used, the options considered, and the reasons rejected.
- A copy of the *Notice of Procedural Safeguards*.
- The *Parent's Guide to the Admission, Review, and Dismissal (ARD) Process*.
- *Receipt for Explanation of Procedural Safeguards of a Parent with a Child with Disabilities in School*, requiring a parent signature.
- *Consent for Full and Individual Evaluation* requiring a parent signature.

GCCISD will make reasonable efforts to obtain informed consent. GCCISD will obtain informed consent from the parent before conducting an initial evaluation, which means:

- The parent has been fully informed of all information relevant to the initial evaluation in his or her native language or other mode of communication.
- The consent describes the initial evaluation.
- The consent lists the records (if any) that will be released and to whom.
- The parent understands and agrees in writing for GCCISD to complete the initial evaluation.
- The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time; and
- The parent understands that if the parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).

#### **When Consent is not Obtained, Despite Reasonable Efforts**

If the child is a ward of the state and is not residing with child's Parent, GCCISD is not required to obtain informed consent from the parent if:

## OPERATING PROCEDURES

### REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES

Goose Creek CISD

101911

- Despite reasonable efforts to do so, GCCISD cannot discover the whereabouts of the parent of the child.
- The rights of the parents of the child have been terminated in accordance with state law; or
- If the parent has not attended the consent meeting, the parent will be provided the opportunity to sign consent for evaluation within 15 school days from the date of referral (at least three opportunities). These efforts may include phone calls, certified mail, and home visits. All attempts will be documented.

#### Parent Refusal or Withdrawal of Consent

- If the parent refuses to provide consent for initial evaluation, the assessment professional should present the parent with the consent form giving the parent the opportunity to indicate on the form that they do not give consent for evaluation.
- If the parent withdraws consent in writing during the evaluation process, the assessment professional(s) discontinues assessment activities.
- If the parent withdraws consent in writing after the evaluation is completed but before the written report or ARD is completed, the district MUST finish the report and schedule the ARD. The parent will have the opportunity to refuse services at the ARD meeting. If the parent refuses to attend the ARD, the district should still complete the process for the record, indicating parent refusal.
- A parent MAY NOT sign consent for partial assessment or limit the scope of the evaluation during the initial process (such as requesting speech only, no intellectual, etc.). The district has an obligation to perform a Full and Individual Evaluation investigating all the areas of suspected disability. If the parent disagrees with the scope of the evaluation, the parent may withdraw consent for evaluation.

#### FULL AND INITIAL INDIVIDUAL EVALUATIONS

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Goose Creek CISD's philosophy regarding full and individual evaluations is to ensure all students receive a comprehensive and integrated evaluation delineating the strengths and weaknesses of a student's profile. The analysis derived in these evaluations should inform instruction and ultimately determine whether the child is a child with a disability and specify the educational needs of a child.

## OPERATING PROCEDURES

### REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES

Goose Creek CISD

101911

#### Procedures for Planning/Conducting a Full and Individual Evaluation (FIE):

Review all referral information/records

- Contact the parent/guardian to gather information regarding their main concern(s) regarding their child's academic, developmental, and functional performance, including any suspected disability to assist in planning the evaluation
- Gained informed consent from the parent
- Contact teacher(s) and inquire about concerns for the child to plan for the evaluation
- Observe the child in the classroom setting which may include a virtual classroom if child is participating in synchronous instruction. (While not best practice during summer testing, the evaluator may use an observation during testing and/or a classroom observation from the referral packet. This procedure was utilized during the COVID 19 pandemic.)
- Use all aforementioned data to determine what type of formal and informal assessments and other evaluation materials are required to appropriately evaluate the child

#### Formatting Procedures for the FIE Template:

All areas of concern addressed in the referral must be noted on page one of the FIE under the subtitle "OTHER INFORMATION".

Throughout the body of the evaluation in the respective sections of the FIE, the areas of concern must be assessed through formal and/or informal data.

The conclusion of the FIE should clearly state and explain for each area/disability suspected if the student meets or does not meet special education eligibility.

The FIE must be completed within 45 instructional days, and within 30 calendar days for the initial ARD meeting. If the completion date of the FIE is not within the required initial evaluation timeline and the student is eligible for special education services, the initial ARD committee must discuss the need for compensatory services and document the decision within the deliberations of the ARD and schedule of services to include start and end date.

### INITIAL REFERRAL

#### **34 CFR §300.301, Initial Evaluations; TEC §29.004 Full and Individual Initial Evaluation**

The initial evaluation and the resulting report must be completed no later than 45 school days from the day the school receives written consent. Additional information and special circumstances appear below:

- For purposes of these timelines, “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 are not considered school days for purposes of these timelines.
- If a student is absent from school during that 45 School-Day period for three or more days, that period must be extended by the number of School Days equal to the number of School Days during that period that the student was absent.
- For students under five years of age by September 1 of the school year who are not enrolled in public school and for students enrolled in a private or home school setting, the student’s initial special education evaluation must be completed no 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.
- 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 fewer 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 no later than June 30 of that year. The student's admission, review, and dismissal committee shall meet no later than the 15th School Day of the following school year to consider the evaluation.
- If a school 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 fewer than 45 School Days before the last instructional day of the school year but the student is absent from school during that period for three or more days, a written report of a full individual and initial evaluation shall be completed no later than the 45th school day following the date on which the school district receives written consent for the evaluation, signed by the student’s parent or legal guardian, except that the timeframe can be extended by the number of school days equal to the number of

school days during that period that the student was absent.

- *Please note that a request for a special education evaluation may be made verbally and does not need to be in writing. Districts and charter schools must still comply with all federal prior written notice and procedural safeguard requirements and the requirements for identifying, locating, and evaluating children who are suspected of being a child with a disability and in need of special education. However, a verbal request does not require the district or charter school to respond within the 15-school-day timeline.*

### **Procedures for Referring a Student Not Yet Identified as Receiving Special Education Services for a Full Individual and Initial Evaluation (FIE)**

1. Upon the referral/request for evaluation by the RtI committee, 504 committee, or parent/guardian, the appropriate general ed staff member will complete the Initial Referral packet. The Initial Referral Packet can be found in the Appendix for Section 1.
2. The appropriate general ed staff member will gather the Vision/Hearing Screening, Home Language Survey, and any other supporting/relevant documents that are required and appropriate for the completion of the Full and Individual Evaluation.
3. The completed referral packet will be presented to the Initial Referral Committee every Wednesday by appointment. A decision will be determined by the committee whether we evaluate or refuse the evaluation request. The Coordinator for Evaluation will assign the folder to the initial evaluation team for completion.
4. The campus diagnostician will have two weeks, from the date of assignment, to obtain informed consent from the parent/guardian and return the completed referral folder to the Coordinator for Evaluation. Prior to returning the referral folder, the campus diagnostician will upload the signed consent form into eSped and put the original in the referral folder. The campus diagnostician will have 3 days to return the referral folder to the Assessment Clerk.
5. Once an initial FIE has been completed in its entirety in eSped, the evaluator will notify the campus team, assessment clerk, and assessment coordinator to update the database indicating the FIE is read for review.
6. It is the initial team evaluator's responsibility to review the FIE with the parent prior to the ARD. If the parent is unavailable to review the FIE prior



## OPERATING PROCEDURES

### REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES

Goose Creek CISD

101911

to the ARD, the Initial Evaluator must notify the campus and completed review of assessment via telephone.

\*If the evaluation renders an eligibility of AU, ED, or OHI for ADHD, the LSSP must attend the school staffing. It is the responsibility of the LSSP to complete the draft AU supplement, Behavior Intervention Plan, and Behavior/Social goals and objectives for the ARD if recommended.

\*\* If additional forms need to be generated or faxed, such as a physician form or consent to release information, the evaluator conducting the evaluation will complete this task.

#### STAFF RESPONSIBLE:

**District Level:** Director of Special Education, Director of Interventions, Director of Curriculum, Coordinator for Evaluation, Coordinator for Accountability and Compliance, Intervention Specialists, and Initial Team Evaluators

**Campus Level:** Campus Based Evaluators, Campus Based Administrators

#### EVIDENCE OF PRACTICE:

- Forms or checklists
- Prior Written Notice of Proposal or Refusal to Evaluate
- Written consent for evaluation
- Agendas from informational programs for parents
- Annual LEA statement regarding IDEA's Child Find and FAPE requirements in your LEA's student handbook or by other means