

Child Find

REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES

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REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES

What is Required

TEA will produce and provide District Administration a written explanation of the options and requirements for providing assistance to students who have learning difficulties or who need or may need special education. This includes the right of parents or guardians to request an evaluation for special education services at any time. Each school year, District Administration must provide this explanation to all parents in the student handbook or by another means. Referral of students for a special education evaluation must be part of the District's overall general education referral or screening system. See [CHILD FIND DUTY].

Referral for Initial Evaluation

Either the parent of the student, District or Campus Personnel, TEA, an educational service agency, or another political subdivision of the state that is responsible for providing education to students with disabilities may request an initial evaluation to determine whether a student is a student with a disability in need of special education services.

When a student is referred for an initial evaluation, the District must provide Prior Written Notice to the parent of its proposal to do the evaluation or its decision not to evaluate the student. See [PRIOR WRITTEN NOTICE]. For students who are homeless or in substitute care, the District must also provide this notice to the educational decision-maker and caseworker of the student.

Campus Personnel must refer a student for an initial evaluation if the student continues to have difficulty in the general education classroom after the provision of interventions and general education supports. See [CHILD FIND DUTY].

If a student is suspected of having a specific learning disability, Campus Personnel must promptly refer the student for an initial evaluation if the student has not made adequate progress after an appropriate period of time if:

- The student has been provided appropriate instruction in the general education setting, delivered by qualified personnel; and
- The student has been provided, data-based assessments of achievement at reasonable intervals, and a lack of adequate progress has been documented and provided to the student's parent or guardian.

District Assessment Personnel must promptly obtain consent for an initial evaluation prior to conducting an initial full and individual evaluation. See [CONSENT FOR INITIAL



EVALUATION].

All documentation regarding a referral for an initial evaluation shall be maintained in the student's special education eligibility folder.

Additional Procedures

For those students who are having difficulty in the regular classroom, Campus Personnel must consider tutorial, compensatory, and other academic or behavior support services that are available to all students.

Each school year, the Campus Special Education Administration will ensure that the written explanation of the options and requirements for providing assistance to students who have learning difficulties or who need or may need special education is included in the Student/Parent Handbook and on the District website in the form adopted by TEA. This notice as well as additional information about the interventions the student is receiving will also be provided to the parent or guardian when the student first begins receiving assistance for the school year and every school year thereafter that the student receives interventions. See [CHILD FIND DUTY].

Referral for Initial Evaluation

When a student has not made sufficient progress despite having been provided interventions and supports or a parental request for evaluation is received, the Student - Support Team will gather all relevant data.

A request for an initial special education evaluation referral will include the following:

- The reason(s) for the request and the areas of concern;
- Test results, records, or reports that support the referral which may include all or some of the following: parent information, teacher information, counselor information, report cards, state assessment scores, work samples, dyslexia screening, communication skills checklist, home language survey, benchmark testing, criterion-based assessments, norm-referenced assessments, reading inventories, health information, hearing and vision screenings, behavior records, attendance records, LPAC information (if applicable), and/or Section 504 information (if applicable); and
- Description, implementation, and results documentation of intervention services, programs, or instructional methodologies provided to the student.

A copy of all referral information and data will be maintained by the campus and included in the referral section of the student's special education eligibility folder. See [SPECIAL EDUCATION ELIGIBILITY FOLDER].



When a referral for an initial evaluation is submitted, District Assessment Personnel will communicate with Campus Personnel to decide the scope of the evaluation. District Assessment Personnel will seek and obtain written consent for the evaluation from the parent or guardian prior to conducting an initial evaluation. The initial evaluation will be completed no later than 45 school days from the day the school receives written consent. See [EVALUATION PROCEDURES]. If a student is absent for three or more school days during the 45 school days, this period will be extended by the number of school days equal to the number of school days the student is absent. However, this exception does not apply for students who are under the age of 5 by September 1 of the school year, for students not enrolled in public school, or for students enrolled in a private or home school setting.

Parental Requests

A parent may submit a written request for an initial evaluation to Campus or District Administration by hand delivery or through mail, email, or fax. The request from the parent does not need to include any specific language or magic words. If the parent requests an evaluation or is requesting special education or related services, the District will consider that a request for an initial evaluation.

For requests received via hand delivery, mail, email or fax, District or Campus Special Education Personnel receiving the documents will stamp the request with the school day it was received (or opened). If the request is received after 5pm, the request should be stamped the following school day. If the request is sent on a weekend or on a school staff holiday, the date stamp should reflect the next school day that is not a weekend or a school staff holiday.

Should a parent or guardian make an oral request for an initial evaluation to District or Campus Personnel over the phone or in person, Campus Special Education Administration will promptly advise the parent or guardian regarding how to submit a proper written request. Campus Personnel should be trained to connect the parent to a Campus or District Administrator who can assist the parent with the written request. If a parent does not follow an oral request for an initial evaluation with the written request, the staff to whom the oral request was made will document this information and immediately submit it to the District or Campus Special Education Administration. Follow up to this request will occur in a timely manner. District or Campus Special Education Administration will train all District staff on this process each year.

District Special Education Personnel will respond no later than fifteen (15) school days after a written request from the parent or guardian is received by the Campus or District Administration whether the District agrees to or refuses to evaluate the student. 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 term (i.e. summer break).

If District Special Education Personnel proposes that an evaluation should be completed,



the Campus Special Education Personnel will provide the parent with a Prior Written Notice, a copy of the Notice of Procedural Safeguards and a copy of the Parent's Guide to the Admission, Review, and Dismissal Process and give the parent an opportunity to give written consent for the evaluation no later than 15 school days after the written request was received.

If District Special Education Personnel decide that an evaluation is not warranted at this time, Campus Special Education Personnel shall provide the parent with a Prior Written Notice and a copy of the Notice of Procedural Safeguards by the 15-school day deadline. In addition, Campus Personnel shall refer the student to the Student Support Team and/or Campus Administration to address the parent concerns and monitor student progress.

The Campus Special Education Personnel must ensure that the parent signs written acknowledgement of receipt of the Prior Written Notice, the Notice of Procedural Safeguards, and/or the Parent's Guide to the Admission, Review and Dismissal Process. Such documentation will be kept in the Referral section of the student's special education eligibility folder if the student is referred for an initial evaluation or, if an evaluation is refused, in the student's Frontline folder. If written acknowledgement of receipt of the Prior Written Notice is unable to be attained, the manner in which the Notice was provided will be documented and kept in the folder. See [PRIOR WRITTEN NOTICE] and [SPECIAL EDUCATION ELIGIBILITY FOLDER].

Referrals from Other Sources

District and Campus Special Education Personnel will follow the same process outlined above for an initial referral from an authorized source that is not a District employee or parent/guardian of the student. District and Campus Special Education Personnel should contact District Special Education Administration to confirm that the referral is from an authorized source before initiating the referral.

Consideration of Alternative Supports

Before referring a student for an initial special education evaluation, District and Campus Personnel will consider the following:

- All support services available to all students, including, but not limited to, tutorial, remedial, compensatory, response to intervention, classroom accommodations or other academic or behavior support services;
- Instructional methodologies; and
- Medical information related to the student, including vision and hearing tests, to determine if additional supports are necessary.

This consideration should involve a consultation with the student's general education



teacher(s) and other professionals within the District familiar with the student as well as consultation with the parent.

District and Campus Special Education Personnel will also consider if community-based services are available that could benefit the student and/or the student's family. Note that the availability of such support does not diminish the District's obligation to provide FAPE if the student is eligible as a student with a disability. Furthermore, District and Campus Administration will provide professional development and/or supports to general education teacher(s) where appropriate to benefit the student.

However, Campus and District Personnel may not delay making or recording the initial referral for an evaluation, obtaining parental consent for the initial evaluation, or commencing the initial evaluation process in considering these alternative support services. This process will occur in addition to and at the same time as the special education initial referral process.

Trainings Related to Special Education Referral Process

District or Campus Special Education Administration will provide yearly training related to the special education referral process to all Campus Personnel.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

PROCEDURES:

PRIOR TO AN INITIAL REFERRAL TO SPECIAL EDUCATION

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. If a campus or parent requests an evaluation and the child is not receiving supplemental instruction, then those supports should be started.

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 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 RtI process. The campus assigned behavior specialist may also be consulted as part of the Tier 3 intervention process.

RESPONSE TO INTERVENTION (RTI) 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



- 1st– 8th – MAP for reading except for 7th grade
- 7th iStation for reading
- 1st – 8th - MAP for math
- 2nd – 8th – MAP for science
- 9th – MAP for Biology
- 9^{ht} – MAP for Algebra

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.

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:

- 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

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.

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.*

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

1. Upon the referral/request for evaluation by the Rtl 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 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.

Evidence of Implementation

- Aiding Students Who Have Learning Difficulties or Who Need Special Education or Section 504 Services
- Student Support Team Documentation
- Referral Documents Date-Stamped with School Day Received
- Documentation of General Education Interventions and Supports and Results
- Documentation of Parental Input or Request for Referral
- Prior Written Notice
- Notice of Procedural Safeguards and Receipt of Same
- Parent's Guide to the Admission, Review, and Dismissal Process and Receipt of Same
- Written Consent for Initial Evaluation
- Professional Development and Supports for General Education Teachers
- Yearly Trainings for Campus Personnel Regarding Referrals (Presentation Materials and Sign-in Sheets)
- Documentation for the state in TSDS, PEIMS, and SPP
- Frontline forms

Resources

[The Legal Framework for the Child-Centered Special Education Process: Referral for Possible Special Education Services - Region 18](#)



[Parent's Guide to the Admission, Review, and Dismissal Process - Texas Education Agency](#)

[Requirements of Coordinated Early Intervening Services - Texas Education Agency](#)

[Response to Intervention - Texas Education Agency](#)

[Notice of Procedural Safeguards - Texas Education Agency](#)

[Letter to Ferrara \(Feb. 29, 2012\) - U.S. Department of Education](#)

[Memorandum: Response to Intervention and Evaluation for Preschool Special Education Services \(Apr. 29, 2016\) - U.S. Department of Education](#)

[Right to Information Concerning Special Education of Students with Learning Difficulties](#)

[FAQs on SB 1153 - Texas Education Agency](#)

CITATIONS

Board Policy EHBAA; 34 CFR 300.33, 300.300(a), 300.301, 300.303, 300.309, 300.503(a); Texas Education Code 25.007(b)(10)(A), 26.0081(c), 29.0011(a); 19 TAC 89.1011(a), (c).