

Section 1. - REFERRAL PROCESS
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Section 1. - REFERRAL PROCESS

I. PRIOR TO INITIAL REFERRALS TO SPECIAL EDUCATION

Title I – Amendments to the Individuals with Disabilities Education Act (IDEA) “Part A-General Provisions Sec. 601 (c) Findings – Congress finds the following:

- (5) Almost 30 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by –
- (A) having high expectations for such children and ensuring their access to the general education curriculum in the regular classroom, to the maximum extent possible;
 - (E) supporting high quality, intensive preservice preparation and professional development for all personnel who work with children with disabilities in order to ensure that such personnel have the skills and knowledge necessary to improve the academic achievement and functional performance of children with disabilities, including the use of scientifically based instructional practices;
 - (F) providing incentives for whole-school approaches, scientifically based early reading programs, positive behavioral interventions and supports, and early intervening services to reduce the need to label children as disabled in order to address the learning and behavioral needs of such children.

§300.309 Determining the existence of a specific learning disability.

- (b) For a child suspected of having a specific learning disability, the group must consider, as part of the evaluation described in §§300.304 through 300.306, data that demonstrates that--
- (1) Prior to, or as a part of the referral process, the child was provided appropriate high-quality, research-based instruction in regular education settings, consistent with section 1111(b)(8)(D) and (E) of the ESEA, including that the instruction was delivered by qualified personnel; and
 - (2) Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, was provided to the child's parents.
- (c) If the child has not made adequate progress after an appropriate period of time, during which the conditions in paragraphs (b)(1) and (2) of this section have been implemented, a referral for an evaluation to determine if the child needs special education and related services must be made.

Referenced above: section 1111(b)(8)(D) and (E) of the ESEA (No Child Left Behind) refers to the Academic Standards, Academic Assessments and Accountability Requirements.

TAC §89.1011. Referral for Full and Individual Initial Evaluation.

Referral of students for a full and individual initial evaluation for possible special education services shall be a part of the district's overall, general education referral or screening system. Prior to referral, students experiencing difficulty in the general classroom should be considered for all support services available to all students, such as tutorial, remedial, compensatory, and other services. If the student continues to experience difficulty in the general classroom after the provision of interventions, DISD personnel must refer the student for a full and individual initial evaluation. This referral for a full and individual 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.

The Devine Independent School District will use the DTAT (Devine Teacher Assistance Team) to consider all early intervening services provided, all scientifically based reading or other programs used, any support services available to all students prior to referral for special education evaluation. Interventions such as tutorials, remedial support, compensatory support, and other services will be considered and documented by the DTAT prior to referral for special education evaluation.

II. APPROPRIATE STUDENT REFERRALS FOR SPECIAL EDUCATION

Children residing within the Devine Independent School District who are suspected of having a disability may be referred by the DTAT for special education evaluation.

- a. For school-age children, early intervening services must be documented by the DTAT.*
- b. For school-age children, the suspected disability must be interfering with the student's educational progress in order to warrant a referral.*
- c. Students who are not currently enrolled on a campus in DISD may also be referred by the principal, designee of the student's school/private school, physician, parent, etc.*
- d. Students who are new to DISD and have been receiving special education services in the student's previous district will not go through the referral process. (see Transfers/Temporary Placement in this section and ARD/IEP Section 4).*

TAC §89.1035. Age Ranges for Student Eligibility.

- (a) Pursuant to state and federal law, services provided in accordance with this subchapter shall be available to all eligible students ages 3-21. Services will be made available to eligible students on their third birthday. Graduation with a regular high school diploma pursuant to §89.1070 (b)(1)-(2) of this title (relating to Graduation Requirements) terminates a student's eligibility to receive services in accordance with this subchapter. An eligible student receiving special education services who is 21 years of age on September 1 of a school year shall be eligible for services through the end of that school year or until graduation with a regular high school diploma pursuant to §89.1070 (b)(1)-(2) of this title, whichever comes first.*
- (b) In accordance with the Texas Education Code (TEC), §§29.003, 30.002(a), and 30.081, a free, appropriate, public education shall be available from birth to students with visual or auditory impairments. (See Disability Criteria Section 3 for: TAC §89.1040. Eligibility Criteria)*

III. MEMBERSHIP OF THE DTAT

- a. The membership in the district's overall general education intervention system is determined by local campus administration unless specified in DISD policy.*
- b. Special education personnel may participate on, but not be assigned primary responsibility for the DTAT.*
- c. Special education personnel may be involved in collecting referral data ONLY for the following students:*
 - 1. pre-kindergarten students*
 - 2. students who are hospitalized, institutionalized, or admitted to treatment centers.*
 - 3. students with multiple-disabilities*
 - 4. eligible students with disabilities new to a district*
 - 5. students referred to special education during the summer*

IV. GENERAL EDUCATION RESPONSIBILITIES

- a. The general education teacher will consider the student experiencing difficulty in the general classroom for all support services available to all students such as tutorial, remedial, compensatory, and other services.*

- b. *The general education teacher will discuss, consider, and document student educational concerns and all educational alternatives and options available and those tried and reasons why those tried did not work.*
- c. *If the options tried were not successful, DISD referral forms required are outlined in the directions of the referral packet. All required information (including Procedural Safeguards) will be completed by the local campus staff with appropriate signatures and dates. Required information includes the TEA publication "A Guide to the Admission, Review and Dismissal Process". The student's referral data shall be maintained for documentation purposes within the special education student's eligibility folder.*

The principal will determine the manner in which referral packets are given to teachers. DISD recommends that the principal or school counselor discuss possible instructional alternatives with the teacher prior to the initiation of the DTAT to assure early intervening services and scientifically based programs are being implemented.

V. TIMELINE – REFERRAL TO EVALUATION

§300.301 Initial evaluations.

- (a) **General.** Devine Independent School District must conduct a full and individual initial evaluation, in accordance with §§300.305 and 300.306, before the initial provision of special education and related services to a child with a disability under this part.
- (b) **Request for initial evaluation.** Consistent with the consent requirements in §300.300, either a parent of a child, or DISD, may initiate a request for an initial evaluation to determine if the child is a child with a disability.
- (c) **Procedures for initial evaluation.** The initial evaluation--
 - (1) (i) Must be conducted within 60 days of receiving parental consent for the evaluation; or
 - (ii) If the State establishes a timeframe within which the evaluation must be conducted, within that timeframe; and
 - (2) Must consist of procedures--
 - (i) To determine if the child is a child with a disability under §300.8; and
 - (ii) To determine the educational needs of the child.
- (d) **Exception.** The timeframe described in paragraph (c)(1) of this section shall not apply to DISD if--
 - (1) The parent of a child repeatedly fails or refuses to produce the child for the evaluation; or
 - (2) (i) A child enrolls in a school served by DISD after the relevant timeframe in paragraph (c)(1) of this section has begun, and prior to a determination by the child's previous public agency as to whether the child is a child with a disability under §300.8.
 - (ii) The exception in paragraph (c)(2)(ii)(A) of this section applies only if the subsequent public agency is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent public agency agree to a specific time when the evaluation will be completed. (Authority: 20 U.S.C. 1414(a))

TEC §29.004 Full and Individual Initial Evaluation.

- a. A written report of a full and individual evaluation of a student for purposes of special education services shall be completed not later than the 60th calendar day following the date on which DISD receives written consent for the evaluation signed by the student's parent or legal guardian.
- b. The evaluation shall be conducted using procedures that are appropriate for the student's most proficient method of communication.

TAC §89.1015. Time Line for All Notices.

"Reasonable time" required for the written notice to parents under 34 Code of Federal Regulations (CFR), §300.503, is defined as at least five school days, unless the parents agree otherwise.

§300.302 Screening for instructional purposes is not evaluation.

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services. (Authority: 20 U.S.C. 1414(a)(1)(E))

VI. SPECIAL EDUCATION DEPARTMENT RESPONSIBILITIES

A. Referral Packet

- 1. When the DTAT is completed, a Referral Packet will be used at each campus. The Referral Packet includes (but is not limited to) Parental Receipt of Procedural Safeguards, Notice of Evaluation and Consent for Evaluation.*
- 2. The special education designee marks on the Referral packet: the date parent signed Consent for Evaluation is received by the school and the date the FIE is due.*
- 3. The evaluation person determines evaluation needed and contacts appropriate special education personnel to assist and/or conduct evaluation (if student is suspected of having an auditory impairment (AI), visual impairment (VI), bilingual, etc.)*
- 4. The evaluation person conducts the evaluation and completes the Full and Individual Evaluation (FIE) written report. The appropriate campus personnel who send the Notice of ARD Meeting are notified when the report is completed.*

B. Schedule ARD/IEP Meeting

The person designated by the principal on each campus notifies the principal that the data collection is complete and ready for the ARD/IEP committee's review. The designated person schedules the ARD/IEP meeting and sends the Notice of ARD/IEP Meeting to the parent and notifies other required participants. (See Procedural Safeguards, section 7 of this manual, for information on Notice.)

C. Timeline for ARD/IEP Meeting:

TAC §89.1050(d) The ARD committee shall make its decisions regarding students referred for a full and individual initial evaluation within 30 calendar days from the date of the completion of the written full and individual initial evaluation report. If the 30th day falls during the summer and school is not in session, the ARD committee shall have until the first day of classes in the fall to finalize decisions concerning the initial eligibility determination, the IEP, and placement, unless the full and individual initial evaluation indicates that the student will need extended school year (ESY) services during that summer.

D. Transfers from Outside the District – already in Special Education

For students who are new to DISD and have received special education services in the student's previous school district, regular referral procedures are bypassed. Procedures to be followed are included in the ARD/IEP Section of this manual under Transfers.

VII. REFERRALS FOR SPECIFIC AREAS:

§300.305 Additional requirements for evaluations and reevaluations.

- (a) **Review of existing evaluation data.** As part of an initial evaluation (if appropriate) and as part of any reevaluation under this part, the IEP Team and other qualified professionals, as appropriate, must--
- (1) Review existing evaluation data on the child, including—
 - (2) On the basis of that review, and input from the child's parents, identify what additional data, if any, are needed..... *(for entire text, see Section 2 – FIE)*

Any evaluation of an existing special education student is NOT a referral but is a reevaluation and should follow all requirements of 300.305 found in Section 2 of FIE.

A. Adapted Physical Education (APE)

§300.108 Physical education.

The TEA must ensure that public agencies in the State comply with the following:

- (a) **General.** Physical education services, specially designed if necessary, must be made available to every child with a disability receiving FAPE.
- (b) **Regular physical education.** Each child with a disability must be afforded the opportunity to participate in the regular physical education program available to nondisabled children unless--
 - (1) The child is enrolled full time in a separate facility; or
 - (2) The child needs specially designed physical education, as prescribed in the child's IEP.
- (c) **Special physical education.** If specially designed physical education is prescribed in a child's IEP, the public agency responsible for the education of that child must provide the services directly or make arrangements for those services to be provided through other public or private programs.
- (d) **Education in separate facilities.** The public agency responsible for the education of a child with a disability who is enrolled in a separate facility must ensure that the child receives appropriate physical education services in compliance with paragraphs (a) and (c) of this section.
(Authority: 20 U.S.C. 1412(a)(5)(A))

1. *All students referred for adapted physical education evaluation must have an identified disability.*
 - A. *The request for an adapted physical education evaluation must be made by the DTAT upon initial referral or by the student's ARD/IEP committee.*
 - B. *The evaluation person will monitor the referral and forward the request for APE screening/evaluation to the appropriate person.*
2. *A written report from the adapted physical education evaluation personnel will be made available for ARD/IEP committee consideration and action.*
3. *For more information see (Section 5 – Instructional Arrangements/Service Delivery)*

B. Assistive Technology *(For more information see also FIE Section 2 and ARD/IEP Section 4)*

1. *The DTAT may determine additional Assistive Technology evaluation is needed, however, this referral is generally made by and ARD/IEP Committee after an FIE has been completed and reviewed.*
2. *FIE (Full and Individual Evaluation) - The ARD/IEP Committee will first review the recommendations from the FIE (Full and Individual Evaluation). Assistive technology needs will be discussed and consideration given to the competencies, strengths and weaknesses, and recommendations from the evaluation report.*
3. *The ARD/IEP Committee may recommend additional evaluation by the technology assistance team. The technology assistance team may include any of the following professionals: Occupational Therapist, Physical Therapist, Speech Pathologist, Diagnostician, Vision Teacher, others as needed.*

4. *If the technology assistance team is requested for an evaluation, the team member(s) will make written recommendations in an evaluation report for assistive technology services or devices including specific modifications which are needed to implement the student's individual education plan. The ARD/IEP Committee will then consider the recommendations.*
5. *Recommendations for assistive technology for all students from the ARD/IEP Committee meetings will be logged and tracked by the campus designee to assure follow up occurs in ordering of material, any training required, etc.*

C. Attention Deficit Disorder / Attention Deficit with Hyperactivity Disorder

If the general education staff believes the student may have ADD/ADHD, remember when conferencing with parent:

1. *discuss the educational needs with parent and possible instructional strategies;*
2. *discuss possible need for referral to the DTAT –do not provide information on a specific type of disability which is not your area of expertise and training, etc.;*
3. *discuss other information, the manner in which testing would be conducted (time lines, outcomes, etc.).*
4. *the OHI Disability Report for the physician is not to be provided to the parent by the general education staff.*

If the DTAT or the ARD/IEP Committee makes the referral:

1. *appropriate evaluation measures will be administered,*
2. *Multidisciplinary Team (referring teacher, special education teacher and diagnostician) will meet to determine if student meets criteria as a student with a Learning Disability (LD). If the student qualifies as LD, academic and behavior needs will be addressed at the ARD/IEP meeting. If the student does not qualify as LD, but appears to have an educational need and data indicates a possibility of ADD, the team may recommend that the Other Health Impaired (OHI) eligibility be pursued.*

If OHI pursued:

1. *disability forms must be completed by a medical doctor.*
2. *the medical forms are for diagnosis only - we do not pursue medication;*
3. *if the parent has a doctor who knows the child and would be willing (knowledgeable) to fill out forms, that avenue may be pursued.*
4. *the medical doctor is just one member of the multidisciplinary team*

Caution: *Remember that a student may be diagnosed by a physician as having ADD or ADHD but the student may not necessarily have an education need for special education services. Needs of some students may be addressed by the local campus Section 504 committee or classroom strategies. If you have any questions, please review with your DISD campus personnel or call DISD special education office.*

D. Homebound Instruction (See also Instructional Arrangement Section 5)

1. *Parent Responsibilities:*
 - A. *Contact the campus principal/counselor.*
 - B. *Receive a special education homebound referral packet which includes a copy of the Procedural Safeguards document.*

- C. Have a doctor complete the appropriate homebound medical form obtained from school/special education.
- D. Complete and return the appropriate forms to the campus principal/designee.
- 2. Principal/Designee Responsibilities:
 - A. Inform the parent of referral procedure
 - B. Obtain referral packet forms
 - i. referral to special education
 - ii. homebound forms
 - C. Gather and document:
 - i. parent receipt of Procedural Safeguards document,
 - ii. completed parent information forms,
 - iii. completed Homebound Medical form,
 - iv. information from permanent record and/or other school records,
 - v. remainder of the referral packet
 - vi. give completed information to the diagnostician, who will schedule an ARD to determine if student is eligible for Homebound services.
 - D. When above forms are complete, send to DISD Coordinator responsible for special education Homebound services.
 - E. Assign building coordinator who is responsible for securing the following items if the ARDC determines the student is eligible for special education Homebound services:
 - i. student texts
 - ii. teacher manuals/keys
- 3. Diagnostician Responsibilities:
 - A. Communicate with DISD Coordinator regarding the special education Homebound referral.
 - B. Complete required evaluation using information from doctor, school records, parent information, etc.
 - C. Schedule ARD/IEP committee meeting to determine whether the student is eligible for special education Homebound services, invite appropriate persons to attend; include the homebound teacher; and Verify ARD notice is sent.

E. Limited English Proficient (LEP) (See also Home Language Survey and LPAC in this Referral Section)

- 1. For all LEP (Limited English Proficient) Students:
 - A. The LPAC report, which must have been completed within the past year, must be included with the referral packet. The student should have been tested in English and Spanish.
 - B. Referral information will include: Initial referral information, LPAC report, LAS scores or equivalent test, amount of time in ESL, Home Language Survey copy.
 - C. When the packet is verified, the diagnostician gives the packet to DISD Coordinator.
- 2. Speech only referral:
 - A. (LANGUAGE) The language proficiency assessment (ex. LAS, IDEA) should be considered with regard to the following:
 - i. If the student is proficient in English and has a lower proficiency in Spanish, the normal procedures for the speech pathologist evaluations are followed.
 - ii. If the student is proficient in Spanish and not in English, typically this would not be an appropriate referral. The speech pathologist will write the evaluation report (using information from the cumulative folder) and proceed to ARD.
 - iii. If the student is barely proficient in both languages, consult with the Coordinator or Director of DISD before proceeding.

- iv. *If the student is proficient in both languages, normal procedures in English may be followed.*
- B. *(ARTICULATION) The articulation evaluation should be considered with regard to the following:*
 - i. *If the student is misarticulating sounds that are different or not present in Spanish but are in English, therapy would not be appropriate.*
- 3. *Other Referrals (LD, MR, etc.):*
 - A. *The language evaluation (ex. LAS, IDEA) should be considered with regard to the following:*
 - i. *If the student is proficient in English and lower in Spanish, the usual procedures for testing are followed.*
 - ii. *If the student is proficient in Spanish and not in English, typically this will be an inappropriate referral for a Learning Disability. This type of profile is usually an indication that the child needs more time to learn English. The diagnostician will write the FIE or full and individual evaluation report (using information from the cumulative folder) and proceed to ARD. If the student is to be considered for a physical, mental or emotional disability, proceed with caution.*
 - iii. *If the student is barely proficient in both languages, consult with the Coordinator or Director of DISD before proceeding.*
 - iv. *If the student is above proficient in both languages, normal procedures in English may be followed.*
 - B. *If the student is not proficient in either language, a bilingual assessment should be requested. Consideration should be given to the following:*
 - i. *Students who have been in English speaking schools for less than two years should be given careful consideration relative to referral.*
 - ii. *If the student has received English instruction for two or more years and there is no evidence of previous academic instruction in Spanish or another language, the LPAC may recommend testing in English or use of an interpreter.*

F. Occupational Therapy and / or Physical Therapy

- 1. *A student must be eligible for special education services before he can be referred for a occupational and/or physical therapy screening or evaluation.*
- 2. *A student may be referred by the ARD/IEP meeting after review of existing evaluation data and planning the evaluation to be completed. Also, teachers, parents, physicians, and others may request referral through the ARD.*
- 3. *Occupational and/or physical therapy services are provided to students whose disability, as determined through evaluation, interferes with their ability to benefit from educational programming.*
- 4. *The diagnostician is the designated person to monitor the referrals and assure notice and consent has been given to the parents. The diagnostician will submit the following forms to the therapist when referring a student:*
 - A. *Notice and Consent for a Full and Individual Evaluation copy;*
 - B. *OT/PT Therapy Referral Form (completed by parent, teacher, counselor, diagnostician, etc.);*
 - C. *OT/PT Medical Referral Form. (This form must be completed by a physician with approval for therapy services to be provided. This must be received by the therapist before any services can be initiated.)*
 - D. *In our district, a medical is required for evaluation or therapy services for both Occupational and / or Physical Therapy.*
- 5. *Description of Therapy Services*
 - A. *Screening: This is a brief informal observation may be used to determine if a formal*

- evaluation is necessary. It is also used as a tool to provide helpful information about the student to the staff and parents. An ARD/IEP meeting is not necessary when a screening is completed. A parent/teacher conference may be held to discuss screening results if necessary.*
- B. Evaluation: The therapist will look at and observe the student, using standardized tests, and clinical evaluations. The evaluation will address and analyze areas that affect the student's ability to benefit from instruction. Areas included in the evaluation are:

 - i. sensorimotor functioning*
 - ii. neuromuscular abilities*
 - iii. self-care skills*
 - iv. vocational skills*
 - v. school/work activities*
 - vi. perceptual-motor skills**
 - C. Recommendations: The therapist will complete the evaluation and make appropriate recommendations for the educational setting. Services will be determined by the child's need and how that need can best be met within the school, home, and community settings. An ARD/IEP meeting will be called to discuss therapist's evaluation and recommendations.*
 - D. Occupational Therapy: Occupational therapy services include the evaluation, consultation, and/or direct services to individuals whose ability to cope with the tasks of living and learning is threatened or impaired by developmental deficits, environmental or sensory deprivation, physical injury, illness, or psychological disability.*
 - E. Physical Therapy: Physical therapy is the art and science of evaluation, program planning, and implementation of physical or corrective conditions resulting from birth, illness, or injury. Physical therapy includes therapeutic exercise programs designed to develop or restore neuromuscular and / or sensorimotor function, relieve pain, control postural deviations, minimize disabilities, and maintain maximal performance levels within the individual's capabilities.*
 - F. Students who evidence problems with one or more of the following characteristics may be referred for an OT/PT screening or evaluation:

 - i. Holding head and/or body upright*
 - ii. Using arms and hands in manipulative tasks*
 - iii. Using only one hand when both are preferable*
 - iv. Tightness or weakness in the arms or legs*
 - v. Assuming and maintaining sitting and/or standing without physical assistance.*
 - vi. Impaired walking or using a gait that limits independence in classroom or campus mobility*
 - vii. Severe eye-hand coordination*
 - viii. Oral function (chewing, sucking, swallowing, and drooling)*
 - ix. Self-care that limits independence in classroom or campus (assistance required with dressing, feeding, toileting, personal hygiene, etc.*
 - x. Uncoordinated movement (unable to walk balance beam, frequent falling)*
 - xi. Limited mobility in school (architectural barriers - stairs, narrow doorways).**

G. Preschool Program for Children with Disabilities (PPCD) *(See also section 5 of this manual)*

§300.124 Transition of children from the Part C program to preschool programs.

The State must have in effect policies and procedures to ensure that--

- (a) Children participating in early intervention programs assisted under Part C of the Act, and who will participate in preschool programs assisted under Part B of the Act, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(9) of the Act;**

- (b) By the third birthday of a child described in paragraph (a) of this section, an IEP or, if consistent with §300.323(b) and section 636(d) of the Act, an IFSP, has been developed and is being implemented for the child consistent with §300.101(b); and
- (c) Each affected LEA will participate in transition planning conferences arranged by the designated lead agency under section 635(a)(10) of the Act.
(Authority: 20 U.S.C. 1412(a)(9))

§300.323 When IEPs must be in effect.

- (a) **General.** At the beginning of each school year, DISD must have in effect, for each child with a disability within its jurisdiction, an IEP, as defined in §300.320.
- (b) **IEP or IFSP for children aged three through five.**
 - (1) In the case of a child with a disability aged three through five (or, at the discretion of the SEA, a two-year-old child with a disability who will turn age three during the school year), the IEP Team must consider an IFSP that contains the IFSP content (including the natural environments statement) described in section 636(d) of the Act and its implementing regulations (including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills for children with IFSPs under this section who are at least three years of age), and that is developed in accordance with the IEP procedures under this part. The IFSP may serve as the IEP of the child, if using the IFSP as the IEP is--
 - (i) Consistent with State policy; and
 - (ii) Agreed to by the agency and the child's parents.
 - (2) In implementing the requirements of paragraph (b)(1) of this section, DISD must--
 - (i) Provide to the child's parents a detailed explanation of the differences between an IFSP and an IEP; and
 - (ii) If the parents choose an IFSP, obtain written informed consent from the parents.

TEC §29.009. Public Notice Concerning Preschool Programs for Students with Disabilities.

DISD shall develop a system to notify the population in the district with children who are at least 3 years of age but younger than 6 years of age and who are eligible for enrollment in a special education program of the availability of the program.

- 1. *Referral from ECI (Early Childhood Intervention) Programs (all decisions will occur collaboratively between ECI staff, school staff, and the parents)*
 - A. *DISD will complete the child centered process including evaluation and ARD. Review of existing evaluation data, all time lines and referral requirements will be followed.*
 - i. *When invited by the ECI service provider, DISD representative will attend a face to face meeting held at least 120 days prior to the eligible child's third birthday*
 - ii. *DISD will accept a referral approximately 90 days prior to the student's third birthday.*
 - iii. *To avoid a gap in services and to assure a smooth effective transition to the preschool program, DISD will accept appropriate evaluations from an infant program serving children with disabilities.*
 - iv. *DISD will complete the referral, evaluation, and ARD/IEP process within the required time lines. (Typically, this occurs within three weeks, however, should not exceed six weeks from the date of referral.)*
 - v. *Eligible preschool children will receive the necessary services as determined by the ARD/IEP committee beginning on their third birthday.*
 - B. *The ARD/IEP committee will determine eligibility, educational need and develop an IEP to determine placement.*
 - C. *Services to auditory or visual impairments, birth through 2, are coordinated with ECI service providers in the development of the Individual Family Service Plan (IFSP) instead of an ARD/IEP.*
 - i. *DISD will document services were coordinated (including copies of progress reports), and*

- ii. *DISD has the capacity to provide services to the student throughout the year.*
 - iii. *Services are provided only under IDEA-C guidelines, not IDEA-B. Typical procedures followed such as: distributing Notice of Procedural Safeguards, completing the Part B referral packets, obtaining consents, and completing full and individual evaluations may not be followed. This would conflict with Part C, and cause parent confusion and may place undue hardship on parents.*
2. *Referral by Parents / Guardians / Others (children not previously served in ECI):*
 - A. *For children with suspected developmental delays birth through 2 years of age, DISD maintain logs that document:*
 - i. *within 2 working days from the date that a “Child Find” referral is received it is forwarded to an ECI program, (DISD will collaborate with the ECI program and determine appropriate steps based on the student age and needs), or*
 - ii. *DISD will follow up with the ECI program to assure evaluation is completed within 45 calendar days from the date the referral is received,*
 - iii. *the ARD/IEP committee will determine eligibility, educational need and develop an IEP to determine placement prior to the third birthday.*
 - B. *For children referred prior to age 3, but less than the 90 days prior to their 3rd birthday, DISD will complete the referral and evaluation process in a timely manner following the required referral timelines.*
 - C. *For children referred for services after their 3rd birthday, the normal referral process will be followed. DISD may screen and use existing evaluation data to determine the child will meet eligibility. An ARD/IEP committee may temporary place the child pending the 90 day timeline for referral, evaluation, and ARD completion.*
 3. *Services: For eligible students 3 years of age and older, DISD will develop an IEP. If a students 3rd birthday occurs during summer, the IEP team will determine the date services under the IEP will begin.*

H. Private / Nonpublic Schools (See also Section 5 – Instructional Arrangements)

When a student placed by their parents in private/nonpublic schools, has been referred for special education evaluation, all requirements concerning referral, evaluation, and determination of eligibility are applicable.

1. *Parent Responsibilities:*
 - A. *Contact the appropriate neighborhood campus and initiate a referral.*
 - B. *Referrals will be accepted for students who attend a private / nonpublic school within the boundaries of DISD.*
 - C. *Provide any documentation available to the campus Principal or counselor regarding the child’s suspected disability.*
 - D. *Give the Teacher Information Form from the referral packet to the teacher at the*
2. *Campus Responsibilities:*
 - A. *DISD will use established procedures and forms for the referral of students from private/nonpublic schools. This includes the completion of the Referral Packet.*
 - B. *The principal or designee will be responsible for coordinating the gathering of information from the parent.*
NOTE: The same referral time lines apply.
3. *Evaluation Person Responsibilities:*
 - A. *To the maximum extent possible, DISD shall use referral and evaluation information from the private school’s records in order to avoid unnecessary duplication of effort or services.*
 - B. *Coordinate and/or administer additional recommended evaluation.*

I. Psychological Referral

DISD recommends that the general education teacher consult with the Licensed Specialist in School Psychology (LSSP) or psychologist prior to making a referral if at all possible.

1. *Student Is Currently Receiving Special Education Services*
 - A. *The ARD/IEP Committee will review existing evaluation data, both the formal FIE (Full and Individual Evaluation) and informal evaluation from staff. The ARD/IEP Committee may recommend additional psychological evaluation.*
 - B. *If psychological evaluation is recommended during the ARD/IEP meeting, the minutes will document the recommendation and the parent will be provided Notice and Consent for Evaluation.*
 - (1. *If parents are not in attendance, the diagnostician will coordinate the completion of the referral for the psychological and be responsible for sending the Notice and Consent for Evaluation.*
 - (2. *The diagnostician will inform the psychologist or licensed specialist in school psychology assigned to the campus.*
 - (3. *The psychologist or licensed specialist in school psychology will conduct the evaluation, complete the written report, and inform the parent of their findings. (see FIE and ARD/IEP sections in this manual)*
 - C. *An ARD/IEP meeting to review the psychological evaluation will be scheduled.*
2. *Student is Not Currently Receiving Special Education Services*
 - A. *The general education teacher will follow the DTAT process, completing all required forms including notifying parents of their Procedural Safeguards, providing Notice of Evaluation and obtaining Consent for Evaluation.*
 - B. *The general education campus teacher or campus designee will submit the completed referral packet to the school psychologist.*

J. Regional Day School Program for the Deaf *(See Section 4 and Section 5 of this document)*

K. Texas School for the Deaf (TSD) *(See Section 4 and Section 5 of this document)*

L. Texas School for the Blind and Visually Impaired (TSBVI) *(See Section 4 and Section 5 of this document)*

VIII. CHILD FIND

§300.111 Child find.

- (a) **General.** (1) **The State must have in effect policies and procedures to ensure that--**
 - (i) **All children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated; and**
 - (ii) **A practical method is developed and implemented to determine which children are currently receiving needed special education and related services.**
- (b) **Use of term developmental delay.**
 - (1) **The following provisions apply with respect to implementing the child find requirements of this section:**

- (i) A State that adopts a definition of developmental delay under §300.8(b) determines whether the term applies to children aged three through nine, or to a subset of that age range (e.g., ages three through five).
 - (ii) A State may not require DISD to adopt and use the term developmental delay for any children within its jurisdiction.
 - (iii) If DISD uses the term developmental delay for children described in §300.8(b), DISD must conform to both the State's definition of that term and to the age range that has been adopted by the State.
 - (iv) If TEA does not adopt the term developmental delay, DISD may not independently use that term as a basis for establishing a child's eligibility under this part.
- (2) [Reserved].
- (c) Other children in child find. Child find also must include--
- (1) Children who are suspected of being a child with a disability under §300.8 and in need of special education, even though they are advancing from grade to grade; and
 - (2) Highly mobile children, including migrant children.
- (d) Construction. Nothing in the Act requires that children be classified by their disability so long as each child who has a disability that is listed in §300.8 and who, by reason of that disability, needs special education and related services is regarded as a child with a disability under Part B of the Act.
(Authority: 20 U.S.C. 1401(3)); 1412(a)(3))

§300.131 Child find for parentally-placed private school children with disabilities.

- (a) General. DISD must locate, identify, and evaluate all children with disabilities who are enrolled by their parents in private, including religious, elementary schools and secondary schools located in the school district served by DISD, in accordance with paragraphs (b) through (e) of this section, and §§300.111 and 300.201.
- (b) Child find design. The child find process must be designed to ensure--
 - (1) The equitable participation of parentally-placed private school children; and
 - (2) An accurate count of those children.
- (c) Activities. In carrying out the requirements of this section, DISD, or, if applicable, the SEA, must undertake activities similar to the activities undertaken for the agency's public school children.
- (d) Cost. The cost of carrying out the child find requirements in this section, including individual evaluations, may not be considered in determining if DISD has met its obligation under §300.133.
- (e) Completion period. The child find process must be completed in a time period comparable to that for other students attending public schools in DISD consistent with §300.301.
(Authority: 20 U.S.C. 1412(a)(10)(A)(ii))

§300.134 Consultation parentally-placed private school children with disabilities.

To ensure timely and meaningful consultation, DISD, or, if appropriate, the TEA, must consult with private school representatives and representatives of parents of parentally-placed private school children with disabilities during the design and development of special education and related services for the children regarding the following:

- (a) Child find. The child find process, including--
 - (1) How parentally-placed private school children suspected of having a disability can participate equitably; and
 - (2) How parents, teachers, and private school officials will be informed of the process.

IX. HOME LANGUAGE SURVEY

TAC §89.1215. Home Language Survey.

- (a) Districts shall conduct only one home language survey of each student. The home language survey shall be administered to each student new to the district, and to students previously enrolled who were not surveyed in the past. Districts shall require that the survey be signed by the student's parent or

guardian for students in grades prekindergarten through Grade 8, or by the student in Grades 9-12. The original copy of the survey shall be kept in the student's permanent record.

- (b) The home language survey shall be administered in English and Spanish; for students of other language groups, the home language survey shall be translated into the home language whenever possible. The home language survey shall contain the following questions.
 - (1) "What language is spoken in your home most of the time?"
 - (2) "What language does your child (do you) speak most of the time?"
- (c) Additional information may be collected by DISD and recorded on the home language survey.
- (d) The home language survey shall be used to establish the student's language classification for determining whether the district is required to provide a bilingual education or English as a second language program. If the response on the home language survey indicates that a language other than English is used, the student shall be tested in accordance with §89.1225 of this title (relating to Testing and Classification of Students).

TAC §89.1225. Testing and Classification of Students.

- (a) For identifying limited English proficient students, districts shall administer to each student who has a language other than English as identified on the home language survey:
 - (1) in prekindergarten through Grade 1, an oral language proficiency test approved by the Texas Education Agency (TEA); and
 - (2) in Grades 2-12, a TEA-approved oral language proficiency test and the English reading and English language arts sections from a TEA-approved norm-referenced measure, or another test approved by TEA, unless the norm-referenced measure is not valid in accordance with subsection (f)(2)(C) of this section.
- (b) Districts which provide a bilingual education program shall administer an oral language proficiency test in the home language of the students who are eligible for being served in the bilingual education program. If the home language of the students is Spanish, the district shall administer the Spanish version of the TEA-approved oral language proficiency test which was administered in English. If the home language of the students is other than Spanish, the district shall determine the students' level of proficiency using informal oral language assessment measures.
- (c) All the oral language proficiency testing shall be administered by professionals or paraprofessionals who are proficient in the language of the test and trained in language proficiency testing.
- (d) The grade levels and the scores on each test which shall identify a student as limited English proficient shall be established by TEA. The commissioner of education shall review the approved list of tests, grade levels, and scores annually and update the list.
- (e) Students with a language other than English shall be administered the required oral language proficiency test within four weeks of their enrollment. Norm-referenced assessment instruments, however, may be administered within the established norming period.
- (f) For entry into a bilingual education or English as a second language program, a student shall be identified as limited English proficient using the following criteria.
 - (1) At prekindergarten through Grade 1, the score on the English oral language proficiency test is below the level designated for indicating limited English proficiency under subsection (d) of this section.
 - (2) At Grades 2-12:
 - (A) the student's score on the English oral language proficiency test is below the level designated for indicating limited English proficiency under subsection (d) of this section;
 - (B) the student's score on the reading and language arts sections of the TEA-approved norm-referenced measure at his or her grade level is below the 40th percentile; or

- (C) the student's ability in English is so limited that the administration, at his or her grade level, of the reading and language arts sections of a TEA-approved norm-referenced assessment instrument or other test approved by TEA is not valid.
- (3) In the absence of data required in paragraph (2)(B) of this subsection, evidence that the student is not academically successful as defined in subsection (j) of this section is required.
- (g) Within the four weeks of their initial enrollment in the district, students shall be identified as limited English proficient and enrolled into the required bilingual education or English as a second language program. Prekindergarten and kindergarten students preregistered in the spring shall be identified as limited English proficient and enrolled in the required bilingual education or English as a second language program within four weeks of the start of the school year in the fall.
- (h) For exit from a bilingual education or English as a second language program, a student may be classified as English proficient at the end of the school year in which a student would be able to participate equally in a regular, all-English, instructional program.
 - (1) This determination shall be based upon tests that measure the extent to which the student has developed oral and written language proficiency and specific language skills in both the student's primary language (for students enrolled in bilingual education) and English, and one of the following:
 - (A) meeting state performance standards for the English language criterion-referenced assessment instrument for reading and writing (when available) required in the Texas Education Code (TEC), §39.023, at grade level; or
 - (B) scoring at or above the 40th percentile on both the English reading and the English language arts sections of a TEA-approved norm-referenced assessment instrument.
 - (2) In making this determination, districts shall also consider other indications of a student's overall progress, including criterion-referenced test scores, subjective teacher evaluation, and parental evaluation.
- (i) A student may not be exited from the bilingual education or English as a second language program in prekindergarten through Grade 1. A district must ensure that limited English proficient students are prepared to meet academic standards required by TEC, §28.0211.
- (j) For determining whether a student who has been exited from a bilingual education or English as a second language program is academically successful, the following criteria shall be used at the end of the school year:
 - (1) the student meets state performance standards in English of the criterion-referenced assessment instrument required in the Texas Education Code, §39.023, for the grade level as applicable; and
 - (2) the student has passing grades in all subjects and courses taken.

X. LANGUAGE PROFICIENCY ASSESSMENT COMMITTEE (LPAC)

TAC §89.1220. Language Proficiency Assessment Committee.

- (a) Districts shall by local board policy establish and operate a language proficiency assessment committee. The district shall have on file policy and procedures for the selection, appointment, and training of members of the language proficiency assessment committee(s).
- (b) In districts required to provide a bilingual education program, the language proficiency assessment committee shall be composed of the membership described in the Texas Education Code, §29.063. If the district does not have an individual in one or more of the school job classifications required, the district shall designate another professional staff member to serve on the language proficiency assessment committee. The district may add other members to the committee in any of the required categories.

- (c) In districts and grade levels not required to provide a bilingual education program, the language proficiency assessment committee shall be composed of one or more professional personnel and a parent of a limited English proficient student participating in the program designated by the district.
- (d) No parent serving on the language proficiency assessment committee shall be an employee of the school district.
- (e) A district shall establish and operate a sufficient number of language proficiency assessment committees to enable them to discharge their duties within four weeks of the enrollment of limited English proficient students.
- (f) All members of the language proficiency assessment committee, including parents, shall be acting for the school district and shall observe all laws and rules governing confidentiality of information concerning individual students. The district shall be responsible for the orientation and training of all members, including the parents, of the language proficiency assessment committee.
- (g) Upon their initial enrollment and at the end of each school year, the language proficiency assessment committee shall review all pertinent information on all limited English proficient students identified in accordance with §89.1225(f) of this title (relating to Testing and Classification of Students), and shall:
 - (1) designate the language proficiency level of each limited English proficient student in accordance with the guidelines issued pursuant to §89.1210(b) and (d) of this title (relating to Program Content and Design);
 - (2) designate the level of academic achievement of each limited English proficient student;
 - (3) designate, subject to parental approval, the initial instructional placement of each limited English proficient student in the required program;
 - (4) facilitate the participation of limited English proficient students in other special programs for which they are eligible provided by the district with either state or federal funds; and
 - (5) classify students as English proficient in accordance with the criteria described in §89.1225(h) of this title (relating to Testing and Classification of Students), and recommend their exit from the bilingual education or English as a second language program.
- (h) Before the administration of the state criterion-referenced test each year, the language proficiency assessment committee shall determine the appropriate assessment option for each limited English proficient student as outlined in Chapter 101, Subchapter AA, of this title (relating to Commissioner's Rules Concerning the Participation of Limited English Proficient Students in State Assessments). The assessment options shall be:
 - (1) administration of the English version criterion-referenced test;
 - (2) administration of the Spanish version criterion-referenced test; or
 - (3) for certain immigrant students, exemption from the criterion-referenced test.
- (i) In determining the appropriate assessment option, the language proficiency assessment committee shall consider the following criteria for each student:
 - (1) academic program participation (bilingual education or English as a second language) and language of instruction;
 - (2) language proficiency, including literacy, in English and/or Spanish;
 - (3) number of years enrolled in U.S. schools;
 - (4) previous testing history;
 - (5) level achieved in the state reading proficiency tests in English (RPTE);
 - (6) consecutive years of residence outside of the 50 U.S. states; and
 - (7) schooling outside the U.S.
- (j) The language proficiency assessment committee shall give written notice to the student's parent advising that the student has been classified as limited English proficient and requesting approval to place the student in the required bilingual education or English as a second language program. The notice shall include information about the benefits of the bilingual education or English as a second language program for which the student has been recommended and that it is an integral part of the school program.

- (k) Pending parent approval of a limited English proficient student's entry into the bilingual education or English as a second language program recommended by the language proficiency assessment committee, the district shall place the student in the recommended program, but may count only limited English proficient students with parental approval for bilingual education allotment.
- (l) The language proficiency assessment committee shall monitor the academic progress of each student who has exited from a bilingual or English as a second language program within the past two years to determine whether the student is academically successful as defined in §89.1225(j) of this title (relating to Testing and Classification of Students). Those students who are not academically successful due to limited English proficiency shall be reclassified as limited English proficient (LEP), and shall be recommended for participation in a bilingual education or English as a second language program. Students who are not reclassified as LEP may be placed in compensatory and accelerated instruction or other special language program which addresses their needs.
- (m) The student's permanent record shall contain documentation of all actions impacting the limited English proficient student. This documentation shall include:
 - (1) the identification of the student as limited English proficient;
 - (2) the designation of the student's level of language proficiency;
 - (3) the recommendation of program placement;
 - (4) parental approval of entry or placement into the program;
 - (5) the dates of entry into, and placement within, the program;
 - (6) the dates of exemptions from the criterion-referenced test, criteria used for this determination, and additional instructional interventions provided to students to ensure adequate yearly progress;
 - (7) the date of exit from the program and parent notification; and
- (8) the results of monitoring for academic success, including students formerly classified as limited English proficient, as required under the Texas Education Code, §29.063(c)(4).