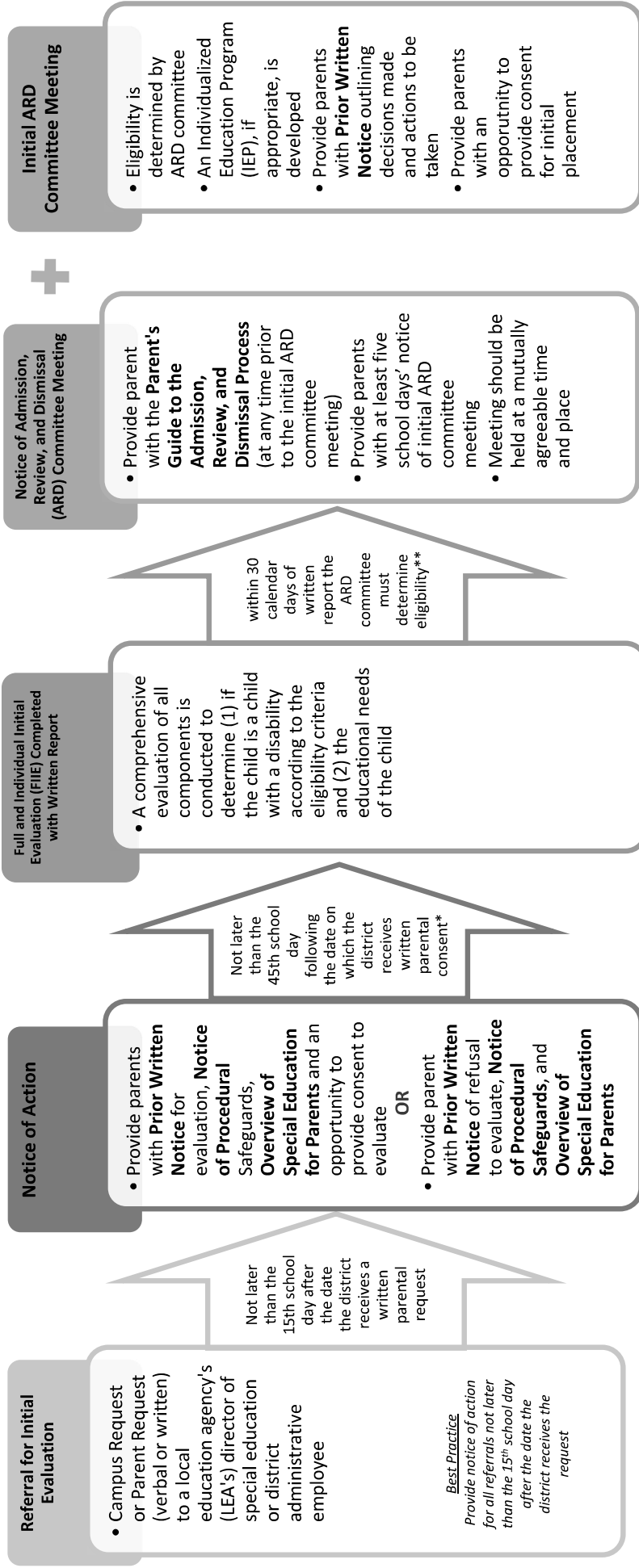


# Special Education Initial Referral Timeline



\*If the student is absent three or more days during the evaluation period, then the evaluation timeline is extended by the number of days absent.

\*\*If consent is obtained at least 35 but less than 45 school days before the last instructional school day, then the evaluation must be completed and the written report must be provided to parent not later than June 30 of that year.

\*\*If the 30<sup>th</sup> calendar day falls within the summer when school is not in session, then the initial ARD committee meeting must determine eligibility by the first school day of the following school year. If consent is received at least 35 but less than 45 school days prior to the last instructional day of the school year, then the initial ARD committee must determine eligibility by the 15<sup>th</sup> school day of the following school year.

\*\*Unless the initial evaluation indicates that the student will need extended school year services that summer, then the ARD committee must determine eligibility as promptly as possible.

# Frequently Asked Questions

**At what point during the initial referral process is the Notice of Procedural Safeguards and Overview of Special Education for Parents required to be provided to parents?**

The [Notice of Procedural Safeguards and Overview of Special Education for Parents](#) must be provided to the parents at the initial referral for a full and individual initial evaluation (FIE), and if the LEA provides a notice of refusal to evaluate. If a student is suspected of having dyslexia and may be a child with a disability, including when data supports a suspicion after the reading diagnostic assessments under TEC §28.006 or screening under TEC §38.003, LEAs must distribute the Overview of Special Education for Parents Form to parents, developed by TEA, explaining the rights under IDEA that may be additional to those under Section 504. TEA expects LEAs to incorporate the distribution of this form in the same circumstances as above to every parent, regardless of the disability that is suspected.

**At what point during the initial referral process is a Prior Written Notice required to be provided to parents?**

Prior Written Notice is required whenever the LEA proposes or refuses to initiate or change the identification, evaluation, or educational placement of a student. [19 Texas Administrative Code, §89.1050\(h\)](#).

**What is considered a “school day”?**

A school day is considered any instructional day, including a shortened day, between the first day of school and the last day of school. [19 Texas Administrative Code §89.1011\(g\)](#).

**What constitutes the “evaluation process”?**

The evaluation process is one in which parental consent was obtained, the child was evaluated, and the ARD committee determined the child’s eligibility.

**When do timelines begin for a verbal request for an initial evaluation?**

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. It is recommended that the LEA develop a plan (operating procedures) for addressing verbal parent requests in a timely manner.

**If the student was not found eligible or was previously dismissed from special education but is then referred again for an evaluation in a subsequent school year, is this considered an initial evaluation?**

Yes. This would be considered an initial evaluation.

**What if the consent is obtained at least 35 but less than 45 school days from the last instructional day, but the multidisciplinary evaluation team completes the initial evaluation written report early and there are at least 30 calendar days before the last day of school? When is the initial ARD committee meeting to be held?**

When the school receives written consent within the 35 but less than 45 school day window found in §89.1011(e), the LEA must provide the written report to the parent by June 30 of the current year, and the ARD committee must meet not later than the 15<sup>th</sup> school day of the following year. Whether the written report was finished with sufficient time to allow the ARD committee to meet before the end of the current school year under these circumstances is irrelevant. If the district meets these timelines—it is in compliance. [19 Texas Administrative Code, §89.1011](#). However, best practices suggest that a student’s interests are better served by meeting sooner rather than later with respect to the results of an FIE.