BROWNWOOD INDEPENDENT SCHOOL DISTRICT
SPECIAL EDUCATION OPERATING PROCEDURES:
CHILD FIND DUTY

Updated 2026

Legal Framework: CHILD FIND DUTY

Related Resources

Broad Category: CHILD FIND

BROWNWOOD ISD Board Policy along with these *Special Education Operating Procedures* constitute the Policies and Procedures of BROWNWOOD ISD], designed to be consistent with the State policies and procedures developed pursuant to the IDEA. BROWNWOOD ISD *Special Education Operating Procedures* are not to be for the purpose of creating a requirement that is not otherwise imposed by the Individuals with Disabilities Education Improvement Act ("IDEA"), together with its implementing federal regulations, state statutes and rules, as they shall from time to time be amended, and shall not be construed to create a higher standard than that established by IDEA. These *Special Education Operating Procedures* will be posted on BROWNWOOD ISD's website. These *Special Education Operating Procedures* should be interpreted consistent with the IDEA. BROWNWOOD ISD's *Special Education Operating Procedures* are reviewed and updated, as needed, on at least an annual basis. BROWNWOOD ISD will make timely changes to policies and procedures in response to IDEA amendments, regulatory or rule changes, changes to state policy, or new legal interpretation as are necessary to bring BROWNWOOD ISD into compliance with the requirements of IDEA. BROWNWOOD ISD maintains systems to ensure that all students with disabilities residing in the District, including students with disabilities attending non-public schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and provided a free appropriate public education. BROWNWOOD ISD maintains systems to ensure that students with disabilities and their parents are afforded the procedural safeguards required under the IDEA (and its implementing federal regulations, state statutes and rules) including with respect to the confidentiality of records and personally identifiable information.

CHILD FIND

The **BROWNWOOD** Independent School District (BISD or "the District") has an obligation to identify, locate and evaluate each child, birth to age 21 inclusive, residing within the jurisdiction of the District who has a disability or is suspected of having a disability, regardless of the severity of the disability, and who is in need of special education and related services. This *Child Find* obligation—mandated by the Individuals with Disabilities Education Improvement Act (IDEIA or, more commonly, IDEA) and Texas special education law[1]—extends to all children with disabilities, including those who are homeless, highly mobile, migrants, in foster care, homeschooled, court-involved or attending private schools within the jurisdiction of the District.[2]

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[1] 34 C.F.R.. § 300.111(a); Tex. Ed. Code § 29.001

[2] 34 C.F.R.. § 300.111(c). Homeless and highly mobile students are served via the District's homeless education liaison HERE as part of the District's participation in TEA's ***Texas Education for Homeless Children and Youth (TEHCY)*** program.

The District annually notifies and informs the **BROWNWOOD** ISD community of a student's right to a free appropriate public education and the programs and services available to eligible students, as well as the right to request an evaluation for special education and related services. The District endeavors to distribute written information in both English and Spanish to every enrolled student's family regarding IDEA's *Child Find* and free appropriate public education (FAPE) requirements, to inform them of the options and requirements for identifying students who may be suspected of having a disability and have an educational need for special education and specially designed instruction. The District's community-wide efforts may include:

- publishing a *Child Find* notice in a local newspaper of general circulation;
- posting or linking the District's *Child Find* notice on the District's website; and
- placing a *Child Find* notice in locations where potentially eligible children and their parent(s) or legal guardian(s) are likely to see it, like disability-related community agencies, hospitals or daycare centers.

Also, at the time of a student's placement in the disciplinary alternative education program (DAEP), the District provides information to the student's parent or guardian regarding the process for requesting a full individual and initial evaluation (FIIE).[3] This information concerning the process for requesting an FIIE is also provided to the student's parent or guardian as part of each student's personalized transition plan when the student is released from the DAEP.[4]

The District's *Child Find* notice is included in both English and Spanish in the District's Student Code of Conduct or Parent Student Handbook HERE which is updated annually (and/or) The District's *Child Find* notice is available to the public and to parents in both English and Spanish on the District's website HERE. Together with the District's annual *Child Find* notice, the District includes information indicating where members of the **BROWNWOOD** ISD community can access the District's processes and procedures for initiating a referral for special education services eligibility evaluation.[5] The District also offers annual training to teachers and staff regarding the District's responsibility to actively identify and appropriately refer for evaluation students suspected of being in need of special education and related services, consistent with these *Special Education Operating Procedures* ("Operating Procedures").

Who is eligible for the District's program of special education and related services?

The District provides special education and related services to eligible students ages 3 through 21 who reside within the District.[6] To be eligible for the District's program of special education

[3] TEX. ED. CODE § 37.006(p)
[4] TEX. ED. CODE § 37.023(d)(1)(B)
[5] Tex. Ed. Code § 29.023(b)
[6] 19 TEX. ADMIN. CODE § 89.0135(a)

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and related services, a student must (a) have one or more of the thirteen qualifying disabilities listed below and (b) need special education and related services—*Specially Designed Instruction* (SDI)—because of the disability.[7] A free appropriate public education is also available to children with visual impairments or who are deaf or hard of hearing residing within the District from birth through age 21.[8]

Special education means "specially designed instruction, at no cost to the parents, to meet the unique needs of a student with a disability."[9] *Specially Designed Instruction* (SDI) means—

- "adapting, as appropriate to the needs of an eligible student under this part, the content, methodology, or delivery of instruction-
    - To address the unique needs of the student that result from the student's disability; and
    - To ensure access of the student to *the general curriculum*, so that the student can meet *the educational standards within the jurisdiction of the public agency that apply to all children*." [10]

  The general curriculum and educational standards that "apply to all children" in **BROWNWOOD** ISD] are the **Texas Essential Knowledge and Skills (TEKS),** as well as the District's Policy **EIE(Local)**.[11] The state-wide assessments that determine a student's progress toward meeting those educational standards are the **State of Texas Assessments of Academic Readiness (STAAR).**

Special Education or *Specially Designed Instruction* (SDI) also includes—

- Evidence-based dyslexia programs or curriculums, including "Standard Protocol Dyslexia Instruction," purchased or District-developed, that are aligned with all instructional methods and components for dyslexia instruction as described in the Dyslexia Handbook;[12]
- speech-language pathology services;
- any other related service, if the service is considered special education rather than a related service under state standards;
- travel training; and
- vocational education. [13]

Subject to the age limitations specified above, students may be eligible for special education and related services under these categories of disability specified under state and federal law: autism,

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[7] 20 U.S.C. § 1402(3); 34 C.F.R. § 300.8
[8] 19 TEX. ADMIN. CODE § 89.0135(b)
[9] 34 C.F.R. § 300.39(a)(1)
[10] 34 C.F.R. § 300.39(b)(3)(emphasis added)
[11] The educational standards applicable to all students in the state of Texas are also outlined in Tex. Ed. Code § 28.002 and in 19 TEX. ADMIN. CODE § 74.1.
[12] TEA's "FAQs: Dyslexia Evaluation, Identification and Instruction—House Bill 3928" is available at https://tea.texas.gov/academics/special-student-populations/special-education/hb-3928-faqs.pdf
[13] 34 C.F.R. § 300.39(a)(2)

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deaf-blindness, auditory impairment, emotional disability, intellectual disability, multiple disabilities, orthopedic impairment, other health impairment, specific learning disability, speech impairment, traumatic brain injury, or visual impairment[14]

In addition, until the end of the 2024-2025 school year, children between the ages of 3-5 who are evaluated as having an intellectual disability, an emotional disability, a specific learning disability or autism may be described as "noncategorical early childhood" for the purposes of special education eligibility.[15] Beginning in the 2025-2026 school year, the eligibility "noncategorical early childhood" may not be used, except that a student who begins the 2025-2026 school year already identified as meeting the "noncategorical early childhood" eligibility may maintain this eligibility category, if determined appropriate by the student's ARD committee, until the required re-evaluation before the age of six.

Consideration of eligibility for special education and related services begins with a referral for a special education evaluation—a full individual and initial evaluation.[16]

How does the District attempt to ensure that parents or guardians of Emergent Bilingual students are included in the District's Child Find efforts and understand the District's special education process?

If the parent(s), legal guardian(s) or adult student has limited English proficiency and the parent's or guardian's native language is Spanish, the District will provide Admission, Review and Dismissal (ARD) committee meeting notices and Prior Written Notices, as well as **TEA's *Notice of Procedural Safeguards*** and other special education related documents, to the parent or guardian in **Spanish (TEA's *Aviso Sobre Procedimientos de Protección*)**. If the parent or guardian is limited English proficient and the parent's or guardian's native language is Spanish, the District will also provide either all of the text (comparable rendition) of the written Individualized Education Program (IEP) translated into Spanish or an audio recording of the IEP translated into Spanish. The District may also audio record an ARD committee meeting at which the parent or guardian was assisted by an interpreter and offer the parent or guardian an audio recording of the meeting; however, such recording shall not substitute for a written or audio recorded translation of the IEP unless it includes an oral translation into Spanish of all of the content in the student's IEP.[17]

If the parent's, guardian's or adult student's native language is other than English or Spanish, the District will make a good faith effort to provide notices to the parent or guardian in the parent's or guardian's native language, to provide a written or audio recorded translation of the IEP in the parent's or guardian's native language, and to facilitate the parent's or guardian's participation in any ARD committee meeting, including arranging for an interpreter, unless it is clearly not feasible to do so. The term "native language"' when used with respect to an individual who is

[14] 34 C.F.R. § 300.8(c) ; Tex. Ed. Code § 29.003(b); 19 TEX. ADMIN. CODE § 89.1040(c)
[15] 19 TEX. ADMIN. CODE § 89.1040(c)(14)
[16] 19 TEX. ADMIN. CODE § 89.1011
[17] 19 TEX. ADMIN. CODE § 89.1050(i); Tex. Ed. Code § 29.005(d)

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limited English proficient or an emergent bilingual student, means the language normally used by the individual." [18]

What happens when the parent or guardian of a student attending private school or being homeschooled in the District requests a referral for a special education evaluation?

The District is responsible for identifying, locating and evaluating those students who reside within the jurisdiction of the District but who are parentally placed in private schools or homeschooled. The parent, legal guardian, or teacher of a resident student who is parentally placed in private school or home instructed may refer a student suspected of having a disability and in need of special education and related services to the student's home campus for District zoning purposes.

To meet its *Child Find* obligation to students who are homeschooled or attend private schools, the District offers to meet at least annually with representatives from private schools within the District and with parents who have placed their students in a private school within the District or who home-school their students, about special education and how to refer a student for a special education evaluation, and the special education and related service options available in the event their student is eligible.

If the parent or legal guardian of a student who is home-instructed or who is placed in a private school is offered an initial evaluation by the District but does not provide consent for the evaluation, the District may not use the special education dispute resolution process to override the lack of consent.

What protections are available for students who have not been identified but may qualify for IDEA's disciplinary safeguards?

Students not yet eligible for special education and related services may be entitled to the disciplinary protections afforded eligible students, including the manifestation determination review process. The District may be obligated to provide a manifestation determination review and other disciplinary change of placement protections for a student even if the student is not yet determined to be eligible for special education and related services at the time of the violation of the District's conduct code. Disciplinary protections shall be afforded to a student if the District "had knowledge" that the student is a student with a disability prior to the behavioral incident at issue. The District is considered to have knowledge (1) if the parent or guardian expressed concern in writing to supervisory or administrative personnel, or a teacher of the student, that the student is in need of special education and related services; (2) the parent or guardian of the student requested an evaluation of the student pursuant to IDEA; or (3) the teacher of the student, or other District personnel, expressed specific concerns about a pattern of behavior demonstrated

[18] 20 U.S.C. § 1401(30); 19 TEX. ADMIN. CODE § 89.1050(f)

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by the student directly to the director of special education or to other supervisory personnel of the District. The District does not have knowledge that the student is a student with a disability if the District sought and the parent refused to permit the student to be evaluated or declined special education and related services, or if the student was evaluated by the District and determined to be ineligible by a duly constituted Admission, Review and Dismissal (ARD) committee.[19]

LEA Specific Information:

- Brownwood ISD provides information to all campuses on the process for referring children to special education. Information is also provided to parents/community through the student handbook, district website, and community advertisements.
- When a referral for dyslexia and related disorders evaluation is made (verbal or written), Brownwood ISD will follow the timelines Texas has established for the completion of initial special education evaluations through TEC §29.004(a).
- Once an evaluation is requested, either verbal or written, consent will be obtained or a prior written notice will be provided to the parent no later than 15 school days from the date of the request. If consent is obtained, Brownwood ISD will have no more than 45 school days to complete the evaluation process.

PROCEDURES:

- Brownwood ISD provides the required notice under Texas Education Code §29.009 regarding the availability of early childhood special education services
    - Child Find information is published in the local newspaper and posted at local daycares, private schools
    - The Director of Special Education coordinates with the Private School in scheduling informational meetings for parents in the private school and homeschool parents ensuring information is disseminated regarding Child Find
    - TEA Child Find letters are provided to all Brownwood ISD families, social media, and on the BISD website
- Brownwood ISD refers individuals ages 0-3 to a local Early Childhood Intervention (ECI) program
- Training of appropriate staff on Child Find procedures
- Providing all parents the TEA Child Find Letter
- Brownwood ISD implements Collaborative Meetings with teachers and instructional specialists to review all student progress in general education.
- Brownwood ISD monitors referrals for evaluations in an effort to continue to educate staff on the child find process, continues to educate teachers on interventions to help support struggling students, and disseminate information regarding instructional supports and resources
- Brownwood ISD uses information and data through the Results Driven Accountability process to evaluate the effectiveness of interventions and will address disproportionality in identification, placement and discipline.

[19] 34 C.F.R. § 300.534

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STAFF RESPONSIBLE:

District Level:

- Director of Special Populations

Campus Level:

- Campus Administrators
- Campus Instructional Specialists/ Interventionists

TIMELINES:

- Public Outreach
- Staff Training
- Distribution of TEA Child Find Letter
- Information to Parents

EVIDENCE OF PRACTICE:

- Special Populations Website
- Special Populations Handbook
- Brownwood ISD Newsletter - TEA Child Find Letter
- Public notices
- Forms and Checklists
- Training Artifacts
    - Special Programs
    - New Teacher

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