BROWNWOOD INDEPENDENT SCHOOL DISTRICT
SPECIAL EDUCATION OPERATING PROCEDURES:
REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES

Update 2026

Legal Framework: REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES

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.

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.[1] To be eligible for the District's program of special education 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.[2] 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.[3]

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[1] 19 TEX. ADMIN. CODE § 89.0135(a)
[2] 20 U.S.C. § 1402(3); 34 C.F.R. § 300.8
[3] 19 TEX. ADMIN. CODE § 89.0135(b)

Special education means "specially designed instruction, at no cost to the parents, to meet the unique needs of a student with a disability."[4] *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*." [5]

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)**.[6] 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;[7]
- 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. [8]

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, 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[9]

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

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[4] 34 C.F.R. § 300.39(a)(1)
[5] 34 C.F.R. § 300.39(b)(3)(emphasis added)
[6] 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.
[7] 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
[8] 34 C.F.R. § 300.39(a)(2)
[9] 34 C.F.R. § 300.8(c) ; Tex. Ed. Code § 29.003(b); 19 TEX. ADMIN. CODE § 89.1040(c)

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special education eligibility.[10] 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.[11]

Who can initiate a referral for a Full Individual and Initial Evaluation for Special Education and Related Services?

A referral for a special education evaluation may be initiated by school personnel, a student's parent or legal guardian, or another person involved in the education or care of the student.[12]

Should an administrator, teacher, parent or legal guardian believe that there is reason to suspect a student has a disability and is in need of special education, even if they are progressing from grade to grade, they may initiate the referral process.

The referral may be made verbally or in writing. A written request for a special education evaluation is <u>not</u> required by IDEA or BROWNWOOD ISD. Written referrals should be directed to the District's Director of Special Education or to Campus Diagnostician. Any employee of the District receiving a verbal or written referral should communicate the referral to Campus/ Lead Diagnostician]. District staff should make any referrals for special education in writing to Campus Diagnosticians.

How should the District respond when it receives a referral for special education?

Referrals should be considered by the Assessment Coordinator/ Diagnostician or other qualified professional, as outlined below, to determine whether there is reason to suspect that the student has a disability and is in need of special education and related services. Each campus should have a designated staff member responsible for receiving referrals from the parent or teacher/campus staff. All referrals should be forwarded to the Assessment Coordinator. If a parent or legal guardian makes a referral to a general education teacher, a paraprofessional or campus office staff, the parent should be directed to Campus Child Find Coordinator/ Campus Administrator on the student's campus who is responsible for receiving referrals.
If a parent, legal guardian or adult student verbally requests a special education evaluation, the District staff who received the verbal request should report the request to Campus Child Find Coordinator/ Campus Administrator or the aforementioned designated staff for the student's home campus. The Campus Child Find Coordinator/ Campus Administrator or designated staff

[10] 19 TEX. ADMIN. CODE § 89.1040(c)(14)
[11] 19 TEX. ADMIN. CODE § 89.1011
[12] 19 TEX. ADMIN. CODE § 89.1011(a)

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should contact the requestor either by telephone or via email to gather more information about the request.

When the District receives a request for an initial evaluation, the Campus Child Find Coordinator/ Campus Administrator, designated campus staff, and/or administrator should promptly review the student's record and document any consideration that has been given to alternatives to special education, including but not limited to general education academic and behavioral interventions; *RtI* data; remedial instruction; tutoring; compensatory education pursuant to Tex. Ed. Code § 29.081 ("services designed to supplement the regular education program for students identified as at risk of dropping out of school"); and/ or **Multi-Tiered Systems of Support (MTSS)**.[13]

If a student's parent(s), legal guardian(s), or District staff submits a written request for a full individual and initial evaluation for special education and related services to the District's Director of Special Education or to an administrative employee of the District, the personnel designated below will take the following steps:

- **Within 15 school days of the Director of Special Education or administrative employee's receipt of the written request for an initial special education evaluation,** a licensed specialist in school psychology (LSSP), an educational diagnostician, or other appropriately certified or licensed practitioner with experience or training in the area of the suspected disabilities designated by the Director of Special Populations may, as appropriate—

    - Review the records and performance data of the student in order to determine if there is sufficient evidence to suspect a disability. Information reviewed shall include, but is not limited to, all individual and group standardized assessments, *including evaluations provided by the parent or guardian completed privately*; standards of learning test scores; school enrollment history; attendance records; student work samples; and teacher observational information.

    - Consult with the student's general education teachers and other campus staff familiar with the student to review the general education supports and services, curricular modifications, instructional methodologies or evidence-based classroom accommodations or interventions that have been used with the student prior to referral, including the use of any **Multi-Tiered Systems of Support (MTSS)**, **such as** *Response to Intervention* (RtI), *Leveled Literacy Interventions* (LLI), and other evidence-based general education interventions, tutorial, remedial, compensatory and other academic or behavior support services.[14]

    - Contact the parent, legal guardian or adult student to provide an overview of the District's special education process and identify the date by which informed

[13] TEA describes MTSS as a school-wide framework designed to provide varying levels of support to meet the academic, behavioral, and social/emotional needs of students and includes RtI for academics and/or behavior and other evidence-based early intervention strategies.
[14] 19 TEX. ADMIN. CODE § 89.1011(a)

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written consent for the evaluation may be obtained (i.e., no later than 15 school days after receiving the written request for an initial evaluation). [15]

- **No later than 15 school days after the Director of Special Education or administrative employee's receipt of the written request for an initial special education evaluation,** the Campus Diagnostician shall—

  - Ensure the District provides the parent(s), legal guardian and/or adult student with a copy of TEA's most recent ***Notice of Procedural Safeguards***.[16]

    - A parent, legal guardian or adult student may choose to receive the ***Notice of Procedural Safeguards***, as well as the Prior Written Notice discussed below, by email, if the District makes that option available. If the parent or legal guardian does not affirmatively elect to receive the aforementioned notices by email, the District will mail or hand-deliver the notice(s) and document the method of delivery.[17]

  - Provide Prior Written Notice of the District's proposal to conduct a full individual and initial evaluation (*Notice of Proposed Evaluation*) and an opportunity for the parent, legal guardian or adult student to give informed written consent for the evaluation, *if there is evidence of a suspected disability and, as a result of the suspected disability, a suspicion that the student may require specially designed instruction based on the information obtained during the 15-school day period described above*.[18]

    - Prior Written Notice. The District's *Notice of Proposed Evaluation* shall describe any evaluation procedures that the District proposes to conduct.[19] Please see the District's Evaluation procedures set out in **the District's Evaluation Procedures Operating Procedure** for additional requirements regarding the District's *Notice of Proposed Evaluation.*

    - Informed Written Consent. The District shall document that the parent, legal guardian or adult student has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, and the mode of communication. The District shall also document that the parent, legal guardian or adult student acknowledged understanding and agreeing in writing to the carrying out of the activity for which his or her consent is sought (e.g., a full individual and initial evaluation). The consent will describe the activity and indicate which educational records, if any, will be released and to whom those records will be released.[20]

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[15] Tex. Ed. Code § 29.004; 19 TEX. ADMIN. CODE § 89.1011(b); 19 TEX. ADMIN. CODE § 89.1040(b)
[16] 34 C.F.R. § 300.504
[17] 34 C.F.R. § 300.505
[18] 19 TEX. ADMIN. CODE § 89.1011(b)(1)
[19] 34 C.F.R. § 300.304(a)
[20] 34 C.F.R. § 300.9; Tex. Ed. Code § 29.004(a)(1)

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- Notice and Consent by Email. The District may provide prior written notice via email if the District offers and the parent elects to receive the notice via email.[21] The District may also obtain a parent's or a guardian's informed written consent for an evaluation by using a record and signature in electronic form that identifies and authenticates the person or guardian as the source of the consent and indicates the parent's or guardian's approval of the information contained in the electronic signature.[22]

- If the parent, legal guardian or adult student does not provide consent for the initial special education evaluation, the District is relieved of its *Child Find* duty and its obligation to provide the student with a free appropriate public education pursuant to IDEA.[23] However, the District reserves the right in its sole discretion to file a request for a special education due process hearing to override a lack of parental consent for such evaluation. Designated staff should provide the parent, legal guardian or adult student with a ready, willing, and able letter regarding the District's intent to complete the evaluation with parental consent, together with prior written notice (*Notice of Proposed Evaluation)* documenting the District's offer to evaluate and the basis for the offer to evaluate and providing the parent or guardian with a copy of **TEA's *Procedural Safeguards Notice*.** Please see **the District's FAPE Composite Operating Procedure**.

    - Provide the parent, legal guardian, or adult student with prior written notice of the District's decision not to conduct an evaluation, *if there is no evidence of a suspected disability or a suspicion that the student may require special education and related services*.

        - If appropriate, the student may be referred to the District's Section 504 Coordinator or local campus designee for a potential Section 504 evaluation DISTRICT 504 OPERATING PROCEDURES

        - Prior Written Notice. The Campus Diagnostician/Evaluator will prepare the Prior Written Notice to include an explanation of why the District refuses to conduct an initial evaluation as well as a description of the information (assessments, records, reports or observations) that the District used as a basis for its refusal to evaluate.[24] The District will provide this prior written notice by means reasonably designed to ensure that it is received by the parent, legal guardian or adult student, and document the fact that the notice was sent. This notice will be provided in a language that is understandable to the general public and

[21] 34 C.F.R. § 300.505
[22] ***Part B Procedural Safeguards in the COVID-19 Environment Q&A Document*** *(June 30, 2020)*. OSEP. June 30, 2020.
[23] 34 C.F.R. § 300.300(a)(3)
[24] 34 C.F.R. § 503(b)

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also in the native language of the parent, unless it is clearly not feasible to do so.[25] Please see **the District's Child Find Duty Operating Procedure**.

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 by the student directly to the director of special education or to other supervisory personnel of

[25] 34 C.F.R. § 300.503(c)

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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.[26]

LEA Specific Information:

- BISD's Multi-Tiered Systems of Support approach includes collaborative team meetings on a regular basis for teachers/instructional staff to review student progress and areas of need in an effort to identify additional supports needed for student to make progress. As the team reviews student information, staff considers potential need for IDEA evaluation.
- Staff are trained on the Child Find process and consideration of the potential need for evaluation for special education supports and services through BISD mandatory training opportunities.
- Students will continue to receive MTSS supports while BISD is conducting an evaluation for potential consideration of special education needs. These supports are considered as part of the evaluation process.
- If a parent provides the evaluation team an evaluation conducted by outside agencies/ providers, the evaluation team and ARD committee considers the evaluation as part of the ARD decision making process.
- 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 no later than 15 school days from the date of the request. Once consent is obtained Brownwood ISD will have no more than 45 school days to complete the evaluation process.
- Referral for an in-district struggling student goes through the evaluation team for review. The campus student support team (RtI, SST, CARE, etc.) provides information to the appropriate evaluation staff member using the referral form along with progress monitoring data. The evaluation staff member reviews the data and determines if adequate efforts were made to provide general education intervention. If the data is sufficient, then the evaluation staff member determines the scope of the evaluation based on the campus and parent data/input. A meeting is scheduled with the parent to provide the following: *Notice of Procedural Safeguards: Rights of Parents of Students with Disabilities*, *A Guide to the ARD Process, Overview of Special Education for Parents*, Receipt for Procedural Safeguards and ARD Guide (to be signed by parent), Notice of Proposal to Evaluate, Consent for Full and Individual Evaluation (to be signed by parent) and any other relevant forms (i.e. Consent for Disclosure of Confidential Information).
- When a parent makes a written request for evaluation, the campus administrator of Brownwood ISD is notified. Brownwood ISD will, no later than the 15th school day after

[26] 34 C.F.R. § 300.534

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the date the request was received: Provide an opportunity for the parent to give written consent for the evaluation; or refuse to provide the evaluation and provide Prior Written Notice and the procedural safeguards. Any written request received at the campus, must be forwarded to the Director of Special Education immediately.

- For a student who is not enrolled in LEA and receiving ECI services, the initial referral process begins with contact from the ECI Early Intervention Specialist (EIS). An evaluation staff member will attend the ECI Face-to-Face or Virtual meeting and provide the parent with information regarding the referral process. The parent is given the information for the ECSE evaluation team representative to contact if the parent decides to pursue an evaluation for services in the public school. When contacted, the evaluation team representative will schedule a meeting to discuss the parent's referral. If the parent does want to pursue an evaluation, the ECSE evaluation team follows through with the referral process procedures, including providing *Notice of Procedural Safeguards: Rights of Parents of Students with Disabilities*, *A Guide to the ARD Process*, Receipt for Procedural Safeguards and ARD Guide (to be signed by parent), Notice of Proposal to Evaluate, Consent for Full and Individual Evaluation (to be signed by parent) and any other relevant forms (i.e. Consent for Disclosure of Confidential Information).
- For a student who is not enrolled in Brownwood ISD and not receiving ECI services, the initial referral process begins with contact from the parent. The evaluation team will schedule a meeting to discuss the parent's concerns and request for testing. If an evaluation is warranted, the evaluation team follows through with the referral process procedures including providing *Notice of Procedural Safeguards: Rights of Parents of Students with Disabilities*, *A Guide to the ARD Process*, Receipt for Procedural Safeguards and ARD Guide (to be signed by parent), Notice of Proposal to Evaluate, Consent for Full and Individual Evaluation (to be signed by parent) and any other relevant forms (Consent for Disclosure of Confidential Information).
- Once the Full Individual Initial Evaluation is completed, the ARD facilitator and/or evaluator will schedule the ARD committee to convene to review the evaluation and determine if the student meets eligibility for special education services. This ARD committee meeting must be held within the required timeline as per IDEA. Within 30 calendar days of written report the ARD committee must determine eligibility**

PROCEDURES:

- All request for testing prompts the campus administration or special populations office to initiate the referral process:
    - A Child Find Referral Form is immediately submitted to the Office of Special Populations
    - The referral paperwork is sent to the campus teachers and parents for completion
    - The completed paperwork is uploaded to the special education electronic system
    - The campus evaluation personnel review the paperwork and determine the suspected disability(ies), if appropriate
        - Decisions to evaluate are not based on if the student has or has not received support through MTSS/RtI

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        - Paperwork includes, but is not limited to parent information, teacher information, educational records, district/state assessments data, and outside evaluations
        - BISD Assessment Coordinator and assessment staff consider all MTSS/RTI, informal data, work samples, teacher input, parent input, and other related information when considering the need for assessment through special education.
    - The campus diagnostician sends the Prior Written Notice or Consent paperwork to the parent by the 15th school day from the date of the request
- All staff members are trained on the referral process
- Parents are provided the Child Find TEA letter indicating how to initiate the referral process upon the request for the evaluation, via BISD website, BISD parent newsletters and other avenues of communication/dissemination.
- Evaluations for students in private or home school are scheduled with the assessment personnel to come into the district to complete the evaluaiton.

STAFF RESPONSIBLE:

District Level:

- Director of Special Populations
- 504 Coordinator
- Secretary of Special Populations

Campus Level:

- Campus Administrators
- Campus Instructional Facilitators
- Campus Teachers
- Campus PEIMS/ Registrars
- Campus Evaluation Personnel (Diagnosticians, SLPs, etc..)

TIMELINES:

- Referral process training for all staff members
- Distribution of TEA Child Find Letter
- Training for general education and special education staff
- Information programs for families
- Parent's written request for initial evaluation
- Parent's verbal request for an initial evaluation
- Initial or DNQ ARD Notice and ARD documentation

EVIDENCE OF PRACTICE:

- TEA Child Find Letter
- Special Education Training
- Special Programs Website
- Special Programs Handbook
- Reports from ESPED

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- Posters and other media or website postings
- Multi-Tiered Systems of Support or Response to Intervention Data
- Student specific data collection and monitoring
- Telephone logs of calls to prior school districts and demonstrating calls to students' parents seeking collaboration
- Records from prior schools
- Notices of evaluation
- Documents seeking consent for evaluation
- Texas Record Exchange (TREX) requests
- Notice of ARD Committee Meeting
- Completed Formal ARD Document

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