

Section 1 (a)

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The Fort Bend Independent School District, an Equal Opportunity Educational Provider and Employer, does not discriminate on the basis of race, color, religion, gender, sex, national origin, disability and/or age, military status, genetic information, or any other basis prohibited by law in educational programs or activities that it operates or in employment decisions. Additionally, the District does not discriminate against an employee or applicant who acts to oppose such discrimination or participates in the investigation of a complaint related to a discriminatory employment practice. Employment decisions will be made on the basis of each applicant's job qualifications, experience, and abilities. Policies DAA, DIA

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GENERAL INFORMATION

FBISD Board Policies: EHBA (Legal), EHBA (Legal), EHBAB (Legal), EHBB, EHBAC (Legal), EHBAE (Legal), EHB (Legal), EHBG (Legal), EEH, EEM, EHBC (Legal), EHBD (Legal), EHBE (Legal), EIE (Legal, Local), EIF (Legal), FB (Legal), FBA, FD (Legal), FDB, FDC, FDD, FFAC (Legal), FFAF, FFB, FFC, FFE, FFG (Legal), FL (Legal)

DISCLAIMER

Fort Bend Independent School District (“FBISD” or the “District”) is subject to the rules and regulations contained in all Governing Documents. Governing Documents shall include federal and state law, Board policy (including the Student Code of Conduct), and this Special Education Administrative Procedures. In the event of any inconsistencies or conflict between the Governing Documents, the following order of precedence shall apply:

- Federal law
- State law
- Board policy (including the Student Code of Conduct)
- Special Education Administrative Procedures

The District reserves the right to modify provisions of the Special Education Administrative Procedures at any time when it deems necessary. While the Administrative Procedures may be adopted and revised throughout the year, the Special Education Administrative Procedures, including any updates thereto, is published on a yearly basis. Further, the FBISD Special Education Administrative Procedures are not 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.

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PRIOR TO AN INITIAL REFERRAL TO SPECIAL EDUCATION AND CHILD FIND

34 C.F.R. § 300.111(a) and (c), 34 CFR § 300.226, Early intervening services; TAC §89.1011(a), Full and Individual Initial Evaluation; Tex. Ed. Code § 29.001, TEC § Sec. 29.08, Compensatory, Intensive, and Accelerated Instruction.

Child Find

FBISD 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—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.

The District annually notifies and informs the FBISD 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.

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.

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Prior to a Referral

“Prior to a referral [to special education], students who are experiencing difficulty in the general classroom should be considered for all support services available to all students, such as tutorial; remedial, compensatory; response to evidence-based intervention; and other academic or behavior support services. If the student continues to experience difficulty in the general classroom after the provision of interventions, district personnel must refer the student for a full individual and initial evaluation. This referral for a full individual and initial evaluation may be initiated by school personnel, the student's parents or legal guardian, or another person involved in the education or care of the student.” TAC §89.1011(a) (a) Fort Bend ISD utilizes the Responsive Instruction process to consider all early intervening services provided, all evidence-based reading or other programs used, and any support services available to all students prior to referral for special education evaluation. The Responsive Instruction framework includes a Student Support Team that meets regularly to document interventions prior to the referral for special education evaluation. Notwithstanding, these general education intervention strategies will not be used to delay or deny the provision of a special education evaluation.

General Education Responsibilities

Fort Bend ISD utilizes a Multi-Tiered System of Academic and Behavioral Support (MTSS) process. MTSS encompasses supports for the whole child, and considers academics, behavior, and social/emotional supports. Fort Bend ISD has created procedures and systems referred to as Responsive Instruction (RI) as a framework for carrying out an effective MTSS process. When a student is having difficulty, this process is implemented to address the student’s specific needs. The needs include academic, behavioral, emotional, speech, or social difficulties.

Each FBISD campus has a Student Support Team (SST) that meets a minimum of once a month to review data to identify students in need of academic and/or behavioral interventions. The campus administrator determines membership based on district guidelines. It is appropriate that special education personnel participate in the SST process but should not be assigned primary responsibility for the SST team process (i.e., SST Chairperson).

The Responsive Instruction process cannot be used to delay or deny the full and individual evaluation of a child suspected of having a disability under 34 CFR §300.8, whether the disability is suspected by school personnel or the child’s parent. Nothing in the Texas Education Code section 89.1011 prohibits school personnel or the child’s parent from referring a child suspected of having a disability for an initial evaluation prior to completion of the Responsive Instruction process.

Additionally, if a parent requests a special education evaluation and the District does not suspect the child has a disability and therefore believes that an evaluation is not necessary, the district must provide the parent with prior written notice under 34 CFR § 300.503 stating that it is refusing the parent’s proposal of a full and individual evaluation. Under 34 CFR § 503(b), the written notice must include, among other things, an explanation of why the LEA refuses to conduct an initial evaluation and the information used as the basis to make that decision. The District will also provide the parent(s), legal guardian, and/or adult student with a copy of TEA’s most recent [Notice of Procedural Safeguards](#) and the TEA [Overview of Special Education for Parents form](#).

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The implementation of the Responsive Instruction (MTSS/RTI) process is not a reason to fail to respond to a parent’s request for an initial evaluation. The LEA must either: (1) provide notice consistent with 34 CFR §§ 300.503-.504 and obtain informed, written consent consistent with 34 CFR § 300.9 before conducting the evaluation pursuant to 34 CFR § 300(a)(1), or (2) provide notice under 34 CFR § 300.503 that the LEA is refusing to conduct the evaluation. It would be inconsistent with the evaluation provisions for a LEA to wait until the completion of the Responsive Instruction or RTI process before responding to the parent’s request for an initial evaluation in one of those two ways.

Students suspected of having a disability under Section 504

Students suspected of having a disability under Section 504 should be referred for an evaluation by a Campus Section 504 Committee and, if needed, develop an accommodation plan under Section 504. These referrals should be directed to the student’s Campus Section 504 Coordinator. If a student’s Section 504 Committee determines that the student has a disability that may require specialized instruction to make progress in the general curriculum, or if the student continues to experience difficulty in the general education classroom even with the supports specified in the 504 plan, the Section 504 Committee should refer the student for a Full Individual and Initial Evaluation (FIIE).

Referral for Full Individual and Initial Evaluation (FIIE)

FBISD Board Policies: EIE(Local) EHBAA (Legal); EHBAB(Legal); EHBAE (Legal); FB(Legal); 34 CFR §§ 300.8(c), 300.39(a)(1), 300.39(a)(2) 300.301; TEC §29.004; 19 TAC §§ 89.0135(a); 89.0135(b), 89.1040(c), 89.1040(c)(13), 89.1011

Referral of students for a full individual and initial evaluation (FIIE) for possible special education and related services must be a part of the school district's multi-tiered system of academic and behavioral supports. Students not making progress in the general education classroom should be considered for all interventions and support services available to all students, such as tutorial; compensatory; response to evidence-based intervention; and other academic or behavior support services. The school district cannot require a student to participate in interventions and support services for any specific length of time prior to a referral being made or an FIIE being conducted. If the student continues to experience difficulty in the general education classroom with the provision of interventions and support services or at any time district personnel suspect a disability and a possible need for special education and related services, district personnel must refer the student for an FIIE. A referral or request for an FIIE may be initiated at any time by school personnel, the student's parents or legal guardian, or another person involved in the education or care of the student. While an FIIE is being conducted, a student must continue to receive any necessary interventions and support services to target their academic or behavioral needs.

The referral may be made verbally or in writing. A written request for a special education evaluation is not required by the IDEA or FBISD. If a parent submits a written request to a District’s director of special education services or to a district administrative employee for a FIIE of a student, the district shall, not later than the 15th school day after the date the District receives the request:

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1. Provide the parent with prior written notice of its proposal to conduct an evaluation consistent with 34 C.F.R. 300.503; most recent [Notice of Procedural Safeguards](#) required by 34 C.F.R. 300.504; the TEA [Overview of Special Education for Parents form](#); an opportunity to give written consent for the evaluation; or
2. Provide the parent with prior written notice of its refusal to conduct an evaluation consistent with 34 C.F.R. 300.503; most recent [Notice of Procedural Safeguards](#) required by 34 C.F.R. 300.504; the TEA [Overview of Special Education for Parents form](#).

If an employee receives a verbal request for a special education evaluation, the request should be communicated to the District’s Assistant Director of Special Education, Evaluation and Compliance.

FIEE Timeline

The initial evaluation and the resulting report must be completed no later than 45 school days from the day the school receives written consent. Additional information and special circumstances appear below:

- For purposes of these timelines, “School Day” does not include a day that falls after the last instructional day of the spring school term and before the first instructional day of the subsequent fall school term. The commissioner, by rule, may determine days during which year-round schools are recessed that are not considered school days for purposes of these timelines.
- If a student is absent from school during that 45 school-day period for three or more days, that period must be extended by the number of school days equal to the number of school days during that period that the student was absent.
- For students under five years of age by September 1 of the school year who are not enrolled in public school and for students enrolled in a private or homeschool setting, the student’s initial special education evaluation must be completed no later than the 45th school day following the date on which the school district receives written consent for the evaluation, signed by a student's parent or legal guardian.
- If the school district received written consent for the FIEE from the student's parent or legal guardian:
 - at least 35 but fewer than 45 school days before the last instructional day of the school year, the FIEE must be completed, and the written report of the FIEE must be provided to the parent or legal guardian no later than June 30 of that year.
 - If a school district receives written consent signed by a student's parent or legal guardian less than 35 school days before the last instructional day of the school year or if the district receives the written consent at least 35 but fewer than 45 school days before the last instructional day of the school year but, the student is absent from school during that period for three or more days, a written report of a FIEE shall be completed no later than the 45th school day following the date on which the school district receives written consent for the evaluation, signed by the student’s parent or legal guardian. The exception to this is that the timeframe can be extended by the number of school days equal to the number of school days during that period that the student was absent.

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- If a student was in the process of being evaluated for special education eligibility by a school district and enrolls in Fort Bend ISD before the previous school district completed the FIIE, Fort Bend ISD must coordinate with the previous school district as necessary and as expeditiously as possible to ensure a prompt completion of the evaluation.
- The admission, review, and dismissal (ARD) committee must make its decisions regarding a student's initial eligibility determination and, if appropriate, individualized education program (IEP) and placement within 30 calendar days from the date of the completion of the written FIIE report. If the 30th day falls during the summer and school is not in session, the ARD committee must meet not later than the 15th school day of the following school year to finalize decisions concerning the student's initial eligibility determination, and, if appropriate, IEP and placement. If the 30th day falls during the summer and school is not in session but an FIIE report indicates that the student would need extended school year services during that summer, the ARD committee must meet as expeditiously as possible after completion of the report.
- A copy of the written FIIE report must be provided to the parent as soon as possible after completion of the report but no later than 5 school days prior to the initial ARD committee meeting, which will determine a student's initial eligibility. If consent was received at least 35 but less than 45 school days before the last instructional day, the FIIE must be provided to the parent by June 30th.

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

1. Upon the referral/request for evaluation by the SST committee, 504 committee, or parent/guardian, the appropriate staff member will complete the Student Referral Form indicating the areas of the student's difficulties. The Student Referral Form can be found in the Appendix for Section 1.
2. The appropriate staff member will gather the Vision/Hearing Screening, Home Language Survey, and any other supporting/relevant documents that would be beneficial for the completion of the Full and Individual Evaluation.
3. The completed referral packet will be given to the appropriate campus evaluation staff (Diagnostician/LSSP/SLP). If the referral only included speech, the referral packet will be given to the campus SLP. If the referral includes academic or behavior concerns, the referral packet will be given to the diagnostician or the LSSP.
4. The appropriate campus evaluation staff member will obtain informed consent from the parent/guardian and send the completed referral packet to the Assistant Director of Evaluation and Compliance. Prior to sending the packet, the campus evaluation staff member will upload the signed consent form into EmpoWEr.
5. The Assistant Director of Evaluation and Compliance will assign the FIIE folder for completion. Once the FIIE folder has been received by the evaluation staff members, they will email the campus contacts listed on the checklist to schedule the FIIE.
6. Once a FIIE has been completed in its entirety in EmpoWEr, the evaluator will log the FIIE in the Review Team spreadsheet to indicate that it is ready for review.

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7. The evaluation review team will review the FIE to ensure the FIE includes the required components according to the district established FIE rubric. After the review process is complete, the evaluator will lock the FIE in EmpoWEr indicating it is final and complete.
8. If the review team is not in agreement with the findings, the review team will contact the evaluator to provide feedback and suggested corrections to ensure the FIE meets the district established FIE rubric.
9. When the edits are completed, the evaluator will email the Evaluation Leadership Team so the edits can be reviewed.
10. Once the FIE is locked, the district evaluation team will email the campus CCC/AF and include the initial evaluator.
11. The initial evaluation team evaluator will conduct a staffing with the appropriate campus personnel to review the FIE results and represent assessment in the initial ARD (typically the educational diagnostician).

*If the FIE renders a “Does Not Qualify” (DNQ) conclusion, all the evaluator(s) must attend the school staffing to explain the DNQ and offer specific information regarding recommended interventions and support to assist the student.

**It is the responsibility of the Evaluator who conducted the FIE to complete the draft AU supplement, draft Behavior Intervention Plan (BIP), and draft Behavior or Social Skills IEP Goals, and objectives for the ARD if recommended.

*** If additional forms need to be generated or faxed/emailed, such as a physician form or consent to release information, the evaluator conducting the FIE will complete this task.

If a FIE is Delayed beyond the required timeline, the ARD committee reviewing the FIE must address the need for compensatory services. Refer to Section 4, Compensatory Services, for procedures regarding addressing compensatory services at an ARD meeting.

Who is eligible for special education services?

FBISD provides special education services to students ages 3-21 who (a) meet state and federal eligibility requirements for one or more of the thirteen qualifying categories listed below and (b) demonstrate a need for specially designed instruction (SDI) to access and make progress through the general curriculum.

Students may be eligible for special education under the following categories of a disability specified under state and federal law: Autism (AU), Deaf-blindness (DB), Deaf or hard of hearing (DHH), Emotional disability (ED) formerly referred to as Emotional Disturbance, Intellectual disability (ID), Multiple disabilities (MD), Orthopedic impairment (OI), Other health impairment (OHI), Specific learning disability (SLD), Speech impairment (SI), Traumatic brain injury (TBI), Visual impairment (VI), Developmental Delay (DD) and Noncategorical early childhood (NCEC).” ” Specially Designed Instruction (SDI) means—

- “adapting, as appropriate to the needs of an eligible student, the content, methodology, or delivery of instruction-

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- 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.*¹

The general curriculum and educational standards that “apply to all children” in FBISD are the [Texas Essential Knowledge and Skills \(TEKS\)](#) as well as the District’s Policy **EIE(Local)**. The statewide 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—

- 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;
- vocational education.

Dyslexia

The Regular Session of the 88th Texas Legislature made change to the Dyslexia laws in Texas via HB 3928. The State Board of Education (SBOE) rule on [Students with Dyslexia and Related Disorder](#) effective June 30, 2024, which means the [Dyslexia Handbook](#) is also effective as of that date.

The information below includes key information regarding Dyslexia responsibilities:

- When dyslexia is suspected, the Multidisciplinary Team responsible for the comprehensive evaluation must include at least one member with specific knowledge regarding the reading process, dyslexia and related disorders, and dyslexia instruction on the multidisciplinary team convened for evaluating a child’s eligibility for special education and related services and, if applicable, the child’s subsequent ARD committee.
 - The member must meet the following qualifications:
 - Hold a licensed dyslexia therapist license; or
 - Be someone who has received training or certification from: The Academic Language Therapy Association (ALTA); International Dyslexia Association (IDA); Orton Gillingham Academy; Wilson Training; or
 - Be someone who has received training through an International Multisensory Structured Language Education Council (IMSLEC) – accredited training center at the teaching or therapy level;

¹ 34 C.F.R. § 300.39(b)(3)(emphasis added)

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- If a person qualified above is not available, within one calendar year of being designated, must:
 - Register and complete the Texas Dyslexia Academies (TDAs);
 - Register and complete the TEA’s Guidance for the Comprehensive Evaluation of an SLD
 - Document that the individual has training in current research and evidence-based assessments that are used to identify the most common characteristics of dyslexia.
- Identification of dyslexia or dysgraphia must include:
 - An evaluation that addresses all of the domains and other requirements listed in [19 TAC §74.28](#) and the [Dyslexia Handbook](#);
 - The terms dyslexia or dysgraphia, when identified, be used in the evaluation report and any resulting IEP.
- When considering initial or continued eligibility for special education for dyslexia, the ARD committee must include at least one member who meets the qualifications described on previous page.
- If an ARD committee determines the student has dyslexia (which is a disability under IDEA as SLD), the ARD committee will determine whether the student requires the provision of special education and related services. If the student is determined to require dyslexia instruction, the student meets eligibility for special education and related services because *dyslexia instruction is considered specially designed instruction (SDI)*.
- For students identified with dyslexia or a related disorder, the IEP must be developed and implemented in accordance with [19 TAC §74.28](#) and the [Dyslexia Handbook](#).
- Requires districts to provide parent or person standing in parental relation to a student receiving dyslexia instruction information at least once each grading period related to the student’s progress. The bill states that the notice to parents may be more often if so specified in the student’s IEP.
- Upon placement of a student in a DAEP, requires districts to provide parents or persons standing in parental relation to the student information regarding the process for requesting an FIIE.
- Included in the transition plan for students released from an alternative education program that is required not later than five days after the date of release, the campus administrator **must** provide information to the parent or person standing in parental relation to the student regarding the process for requesting an FIIE. Under prior law, this information was provided at the discretion of the campus administrator.
- Requires school boards to adopt and implement a policy requiring the district to comply with all rules and standards adopted by the SBOE, including the Dyslexia Handbook of Texas and guidance published by the commissioner to assist districts in implementing the handbook.

Dyslexia Handbook

The State Board of Education’s (SBOE’s) rule amendments to [19 Texas Administrative Code \(TAC\) §74.28](#) are effective June 30, 2024. The [SBOE’s Dyslexia Handbook, Procedures Concerning Dyslexia and Related Disorders, 2024 Update](#) (Handbook) is incorporated by reference into that rule, which means the recent updates made to the Handbook are also effective on June 30.

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The 2024 Dyslexia Handbook (English and Spanish) can be found on the [TEA Website link](#).

The [Dyslexia Handbook FAQs](#) released August 9, 2024 include additional information.

The following Texas Administrative Codes (TAC) and Texas Education Codes (TEC) are in effect excluding the changes made in HB 3928. Please refer to the information below to supplement the Dyslexia Handbook.

TAC §74.28 (State Board of Education Rule) Students with Dyslexia and Related Disorders

(a) Definitions. The following words and terms, when used in this section, shall have the following meanings.

(1) Screening a student for dyslexia or a related disorder, a term used in Texas Education Code (TEC), §38.003, means the administration of a universal screening instrument required for students in Kindergarten and Grade 1.

(2) Testing a student for dyslexia or a related disorder, a term used in TEC, §38.003, means a comprehensive evaluation as required under 34 Code of Federal Regulations (CFR), Part 300, and includes evaluation components as stated in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders," referenced in subsection (c) of this section, for the identification of dyslexia or a related disorder.

(3) Treatment for a student identified with dyslexia or a related disorder, a term used in TEC §38.003, means any instructional accommodations through an accommodation plan under Section 504 or instructional accommodations, modifications, and/or the provision of dyslexia instruction in accordance with a student's individualized education program (IEP).

(4) Direct dyslexia instruction, a term used in TEC, §7.102(c)(28), or dyslexia instruction means evidence-based dyslexia instruction that includes the required components of dyslexia instruction and instructional delivery methods as outlined in the handbook referenced in subsection (c) of this section and as described by a student's IEP under TEC, §29.005.

(5) Provider of dyslexia instruction (PDI) means a provider who meets the requirements of TEC, §29.0032.

(b) The board of trustees of a school district or the governing body of an open-enrollment charter school must adopt and implement a policy requiring the district or school to comply with this section, inclusive of the handbook referenced in subsection (c) of this section and the provision of dyslexia instruction for students identified with dyslexia or a related disorder as determined by the student's admission, review, and dismissal (ARD) committee.

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(c) A school district's or open-enrollment charter school's policy must be implemented according to the State Board of Education's (SBOE's) "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders. "

(d) A school district or open-enrollment charter school must provide evidence-based dyslexia instruction by a PDI for students with dyslexia or a related disorder that includes the required instructional and delivery components found in the handbook referenced in subsection (c) of this section.

(e) Each school district and open-enrollment charter school shall report through the Texas Student Data System Public Education Information Management System (TSDS PEIMS) the results of the screening for dyslexia and related disorders required for each student in Kindergarten and each student in Grade 1 in accordance with TEC, §38.003(a).

(f) Each school district and open-enrollment charter school shall provide a parent education program for parents/guardians of students with dyslexia and related disorders. This program must include:

1. 1) Characteristics of dyslexia and related disorders;
2. (2) evaluation and identification of dyslexia and related disorders;
3. (3) effective instructional strategies for teaching students with dyslexia and related disorders;
4. (4) qualifications of and contact information for PDIs at each campus or school;
5. (5) instructional accommodations and modifications;
6. (6) the steps in the special education process, as described in; the TEA [Overview of Special Education for Parents form](#)
7. (7) how to request a copy and access the electronic version of the [Dyslexia Handbook](#).

(g) School districts and open-enrollment charter schools will be subject to monitoring for compliance with federal law and regulations in connection with this section. School districts and open-enrollment charter schools will be subject to auditing and monitoring for compliance with state dyslexia laws in accordance with administrative rules adopted by the commissioner of education as required by TEC, §38.003(c-1).

(h) School districts must include the member required by TEC, §29.0031(b), on the multidisciplinary team and ARD committee, as appropriate, who meets the requirements of TEC, §29.0031(b)(1) or (2), or who meets the training requirements noted in the Dyslexia Handbook.

TEC §38.003 (State Law)

Screening and Treatment for Dyslexia and Related Disorders

(a) Students enrolling in public schools in this state shall be screened or tested, as appropriate, for dyslexia and related disorders at appropriate times in accordance with a program approved by the State Board of Education. The program must include screening at the end of the school year for each student in kindergarten and each student in the first grade.

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(b) In accordance with the program approved by the State Board of Education, the board of trustees of each school district shall provide for the treatment of any student determined to have dyslexia or a related disorder.

(b-1) Unless otherwise provided by law, a student determined to have dyslexia during screening or testing under Subsection (a) or accommodated because of dyslexia may not be rescreened or retested for dyslexia for the purpose of reassessing the student's need for accommodations until the district reevaluates the information obtained from previous screening or testing of the student.

(c) Subject to Subsection (c-1), the State Board of Education shall adopt any rules and standards necessary to administer this section.

(c-1) The agency by rule shall develop procedures designed to allow the agency to:

- effectively audit and monitor and periodically conduct site visits of all school districts to ensure that districts are complying with this section, including the program approved by the State Board of Education under this section;
- identify any problems school districts experience in complying with this section, including the program approved by the State Board of Education under this section; and
- develop reasonable and appropriate remedial strategies to address school district noncompliance and ensure the purposes of this section are accomplished.

In this section:

- "Dyslexia" means a disorder of constitutional origin manifested by a difficulty in learning to read, write, or spell, despite conventional instruction, adequate intelligence, and sociocultural opportunity.
- "Related disorders" includes disorders similar to or related to dyslexia, such as developmental auditory imperception, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability.

EC §28.006 (State Law)

Reading Diagnosis

(a) The commissioner shall develop recommendations for school districts for:

- (1) administering reading instruments to diagnose student reading development and comprehension;
- (2) training educators in administering the reading instruments; and
- (3) applying the results of the reading instruments to the instructional program.

(b) The commissioner shall adopt a list of reading instruments that a school district may use to diagnose student reading development and comprehension. For use in diagnosing the reading development and comprehension of kindergarten students, the commissioner shall adopt a multidimensional assessment tool that includes a reading instrument and tests at least three developmental skills, including literacy. A multidimensional assessment tool administered as provided by this subsection is considered to be a reading instrument for purposes of this section. A district-level committee established under Subchapter F, Chapter 11, may adopt a list of reading instruments for use in the district in a grade level other than kindergarten in addition to the reading instruments on the

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commissioner's list. Each reading instrument adopted by the commissioner, or a district-level committee, must be based on scientific research concerning reading skills development and reading comprehension. A list of reading instruments adopted under this subsection must be provided for diagnosing the reading development and comprehension of students participating in a program under Subchapter B, Chapter 29.

(b-1) The commissioner may approve an alternative reading instrument for use in diagnosing the reading development and comprehension of kindergarten students that complies with the requirements under Subsection (b).

(c) Each school district shall administer, at the first and second grade levels, a reading instrument on the list adopted by the commissioner or by the district-level committee. The district shall administer the reading instrument in accordance with the commissioner's recommendations under Subsection (a)(1).

(c-1) Each school district shall administer at the beginning of the seventh grade, a reading instrument adopted by the commissioner to each student whose performance on the assessment instrument in reading under Section 39.023(a) to the student in grade six did not demonstrate reading proficiency, as determined by the commissioner. The district shall administer the reading instrument in accordance with the commissioner's recommendations under Subsection (a)(1).

(c-2) Each school district shall administer at the kindergarten level a reading instrument adopted by the commissioner under Subsection (b) or approved by the commissioner under Subsection (b-1). The district shall administer the reading instrument in accordance with the commissioner's recommendations under Subsection (a)(1).

(c-3) The commissioner by rule shall determine the performance on the reading instrument adopted under Subsection (b) that indicates kindergarten readiness.

(d) The superintendent of each school district shall:

(1) report to the commissioner and the board of trustees of the district the results of the reading instruments;

(2) not later than the 60th calendar day after the date on which a reading instrument was administered report, in writing, to a student's parent or guardian the student's results on the instrument; and

(3) using the school readiness certification system provided to the school district in accordance with Section 29.161(e), report electronically each student's raw score on the reading instrument to the agency for use in the school readiness certification system.

(d-1) Repealed by Acts 2019, 86th Leg., R.S., Ch. 943 (H.B. [3](#)), Sec. 4.001(a)(11), eff. September 1, 2019.

(e) Repealed by Acts 2019, 86th Leg., R.S., Ch. 943 (H.B. [3](#)), Sec. 4.001(a)(11), eff. September 1, 2019.

(f) The agency shall ensure at least one reading instrument for each grade level for which a reading instrument is required to be administered under this section is available to school districts at no cost.

(g) A school district shall notify the parent or guardian of each student in kindergarten or first or second grade who is determined, on the basis of reading instrument results, to be at risk for dyslexia or other

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reading difficulties. The district shall implement an accelerated reading instruction program that provides reading instruction that addresses reading deficiencies to those students and shall determine the form, content, and timing of that program. The admission, review, and dismissal committee of a student who participates in a district's special education program under Subchapter B, Chapter 29, and who does not perform satisfactorily on a reading instrument under this section shall determine the way the student will participate in an accelerated reading instruction program under this subsection.

(g-1) A school district shall provide additional reading instruction and intervention to each student in seventh grade assessed under Subsection (c-1), as appropriate to improve the student's reading skills in the relevant areas identified through the assessment instrument. Training and support for activities required by this subsection shall be provided by regional education service centers and teacher reading academies established under Section 21.4551, and may be provided by other public and private providers.

(g-2) In accordance with a notification program developed by the commissioner by rule, a school district shall notify the parent or guardian of each student determined, on the basis of a screening under Section 38.003 or other basis, to have dyslexia or a related disorder, or determined, on the basis of reading instrument results, to be at risk for dyslexia or other reading difficulties, of the program maintained by the Texas State Library and Archives Commission providing students with reading disabilities the ability to borrow audiobooks free of charge.

(h) The school district shall make a good faith effort to ensure that the notice required under this section is provided either in person or by regular mail and that the notice is clear and easy to understand and is written in English and in the parent or guardian's native language.

(i) The commissioner shall certify, not later than July 1 of each school year or as soon as practicable thereafter, whether sufficient funds have been appropriated statewide for the purposes of this section. A determination by the commissioner is final and may not be appealed. For purposes of certification, the commissioner may not consider Foundation School Program funds.

(j) No more than 15 percent of the funds certified by the commissioner under Subsection (i) may be spent on indirect costs. The commissioner shall evaluate the programs that fail to meet the standard of performance under Section 39.301(c)(5) and may implement interventions or sanctions under Chapter 39A. The commissioner may audit the expenditures of funds appropriated for purposes of this section. The use of the funds appropriated for the purposes of this section shall be verified as part of the district audit under Section 44.008.

(k) The provisions of this section relating to parental notification of a student's results on the reading instrument and to implementation of an accelerated reading instruction program may be implemented only if the commissioner certifies that funds have been appropriated during a school year for administering the accelerated reading instruction program specified under this section.

Text of subsection as added by Acts 2019, 86th Leg., R.S., Ch. 450 (S.B. [2075](#)), Sec. 2

(l) The agency by rule shall develop procedures designed to allow the agency to:

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- (1) effectively audit and monitor and periodically conduct site visits of all school districts to ensure that districts are complying with this section;
- (2) identify any problems school districts experience in complying with this section; and
- (3) develop reasonable and appropriate remedial strategies to address school district noncompliance and ensure the purposes of this section are accomplished.

Text of subsection as added by Acts 2019, 86th Leg., R.S., Ch. 943 (H.B. [3](#)), Sec. 2.012

(I-1) The commissioner may adopt rules as necessary to implement this section. Section 2001.0045, Government Code, does not apply to the rules adopted under this subsection.

FBISD Procedures for Identification of a Student Suspected of Having Dyslexia

CCC/Counselor/ARD Facilitator will inform the parent that all initial requests for dyslexia evaluations need to be conducted under the IDEA process to ensure parents are informed of the rights and that the Educational Diagnostician or LSSP will be contacting them to explain the evaluation process and obtain informed consent under IDEA. Inform the parents that this revised procedure is in response to the TEA corrective action plan.

The CCC/Counselor/ARD Facilitator will prepare the referral folder and give it to the Educational Diagnostician or LSSP. The dyslexia teacher may be asked to assist in gathering information for the referral. Refer to the Referral for Full Individual and Initial Evaluation (FIIE) procedures noted earlier in this section.

Parent denies a Full Individual Evaluation under Special Education/IDEA

- If the parent denies consent for an initial Full Individual Evaluation under IDEA/Special Education, the Educational Diagnostician/LSSP will document parent refusal in the contact log, complete the Notice of Evaluation, Notice of Decision, complete the FBISD Ready/Willing/Able letter, and Consent Form documenting the parent's denial to allow the school district to conduct the Initial Full Individual Evaluation under IDEA/Special Education.
- Documentation will then be given to the parent and locked in EmpoWER for documentation.
- The Educational Diagnostician/LSSP will notify through email to the CCC/Counselor that the parent has denied a Full and Individual Evaluation.

Frequently Asked Questions

1. *What if the parent refuses to attend the informed consent meeting under IDEA/504, how is that documented?*

The Educational Diagnostician/LSSP will still update the contact log, prepare the Notice of Evaluation, Notice of Decision, FBISD Ready/Willing/Able letter, and Consent Form. All paperwork will be sent home and uploaded/locked in EmpoWER for documentation purposes.

2. *Can a student receive intervention from the Special Education Dyslexia teacher during the initial FIIE process until it is completed?*

No, the Dyslexia teacher is a Special Education Dyslexia teacher and will not provide direct dyslexia services to a student during the FIIE process. However, each FBISD campus has a Student Support

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Team (SST) that meets a minimum of once a month to review data to identify students in need of academic and/or behavioral interventions and a student may receive intervention as appropriate, during the FIEE evaluation process.

3. *What if a student transfers from another district and was receiving direct Dyslexia services under Section 504?*

The 2024 Dyslexia Handbook indicates the receiving LEA should take the necessary steps to accept and implement the Section 504 accommodation plan. The receiving LEA should provide the student the evidence-based dyslexia program while it initiates the process to refer the student for an FIEE. FBISD procedures will include the following until further notice:

- Hold a 504 meeting for the Transfer student, review the previous plan, if the student was receiving direct dyslexia services,
- Discuss with the parent a referral for a FIEE and request consent and conducting a FIEE
- Request records from previous district to determine if the student had a FIEE and/or gather the dyslexia evaluation used under 504
- Document in the 504 plan the student can receive dyslexia instruction via the Special Ed Dyslexia teacher in the dyslexia class until the FIEE is completed and ensure the parent is clear about the setting.
- Once the FIEE is completed, if the student does not qualify, schedule a 504 meeting and discuss the student would be removed from the direct dyslexia instruction; consider appropriate interventions/accommodations .
- If the child does qualify, have an initial ARD to review the FIEE, develop services including IEP with appropriate dyslexia components

4. *Can the dyslexia teacher assist in the FIEE process?*

Yes, the Special Education Dyslexia teacher can assist in the FIEE process. The Special Education Dyslexia teacher may be or may previously have worked with the student and can provide data to inform the FIEE (i.e., data points, work samples, observations).

5. *Is a screening for dyslexia required before a referral for an FIEE?*

Although TEA requires universal screenings for all students in grades K and 1 as part of the early identification process, an individual screening or consultation is not required prior to parent or staff member requesting an evaluation. The process for Procedures for Referring a Student Not Yet Identified as Receiving Special Education Services for a Full Individual and Initial Evaluation (FIEE) should be implemented.

6. *What additional evaluations must be administered for Emergent Bilingual students?*

Language should be evaluated through direct normed assessment (in both languages when applicable), language information obtained from parent, teacher(s), and student.

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7. *If a student is receiving special education services for a learning disability in reading and is also determined to have dyslexia, does the student need an IEP (goals/objectives for reading)?*

Yes. The components of reading instruction required for students with dyslexia/LD in Reading must be addressed in the IEP (goals/objectives):

- Phonemic awareness instruction (detect, segment, blending, manipulating sounds)
Phonemic Awareness (phonics) – words that carry meaning are made of sounds and the sounds are written with letters in the correct order
- Language structure instruction that encompasses morphology, semantics, syntax, and pragmatics
- Linguistic Instruction – proficiency and fluency with patterns of language so words and sentences carry their meanings
- Strategy-Oriented Instruction – strategies for decoding, encoding, word recognition, fluency, and comprehension.

8. *If a student qualifies for special education with a Learning Disability in the areas of reading, who writes the proposed IEPs for the student?*

The Special Education Dyslexia teacher should write the IEP goals and objectives or if the Special Education Dyslexia Teacher is not the student’s special education case manager, the Special Education Dyslexia teacher should be consulted and assist with the proposed IEP goals and objectives as well as contribute data for the PLAAFP and update goal progress.

9. *How does the ARD Committee determine which Orton Gillingham (OG) program is most appropriate for a student identified with a Specific Learning Disability/Dyslexia?*

FBISD provides two dyslexia programs, and both are implemented in the special education setting. The campus should collaborate with all stakeholders to determine appropriate programming for dyslexia/reading intervention. This collaboration model should include teachers' knowledge in reading instruction, both general education and Special Education teachers (Special Education Dyslexia Teachers, Special Ed ELA/Reading teachers), to ensure the appropriate methodology is implemented as the dyslexia/reading intervention.

Early Childhood Intervention (ECI)

The [Memorandum of Understanding \(MOU\)](#) defines roles and responsibilities between the Texas Health and Human Services Commission, Division for Early Childhood Intervention (ECI) Services and the TEA within state and federal mandates. It coordinates an effective system of procedures between ECI and the TEA which guide and support transition services for families of children with disabilities who are approaching age three.

ECI is a coordinated system of services available in every county within Texas for children birth to age three with disabilities or delays. ECI is funded through the federal *Individuals with Disabilities Education Act* (IDEA, Part C), P.L. 105-17 and through state appropriations. ECI supports families to help children reach potential through developmental services. ECI contracts with local agencies and organizations through a funding application process.

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The local ECI programs must identify, locate, and screen or evaluate all infants and toddlers, birth through two years of age, who have or are suspected of having developmental delays. ECI must notify the local educational agency (LEA), for the area in which the child resides, that the child will shortly reach the age of eligibility for preschool services for children with disabilities (which is three years old). By the child's second birthday, ECI programs must notify the appropriate LEA child find personnel of the child's birth date. The notification must be written and include the following information: child's name; parent(s) or guardian(s) name; address; telephone listing; and date of enrollment in ECI.

The child find system must include procedures for use by primary referral sources for referring a child to the appropriate ECI program for evaluation and re-evaluation. Once the local ECI program receives a referral, it shall appoint a service coordinator as soon as possible.

If a parent or other referral source contacts a Fort Bend ISD campus or other staff member requesting services for a child under the age of three, the staff member should document contact and notify the Program Manager of Evaluation located at the FBISD Tech Center.

Contact Information for local ECI Agencies

1. Texana Center
Project GROW ECI
4706 Airport Ave.
Rosenberg, TX 77471
Referral Number - (281) 238-1800
Fax Number - (281) 238-1859
Web: www.texanacenter.com
2. Easter Seals of Greater Houston, Inc.
ECI Infant Program of Easter Seals
4500 Bissonnet #340 Suite 340
Bellaire, TX 77401
Referral Number - (713) 838-9050 Ext 385
Fax Number - (713) 838-0926
Web: www.eastersealshouston.org
3. BACH
BACH ECI
120 Hospital Drive
Angleton, TX 77515
Referral Number - (979) 849-2447
Fax Number - (979) 848-8337
Web: www.bacheci.org

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3 is 3/Early Childhood Intervention (ECI)

IDEA requires children who are identified with a disability prior to age 3 referred by Part C/Early Childhood Intervention (ECI) to have an IEP developed by the child's 3rd birthday (this means ARD must be held and IEP in place prior to child's 3rd birthday). The impact of this rule on the Intake Evaluation Team and ARD Committees is as follows:

1. A child's FIIE may require completion in less time than the 45-school day timeline.
2. A child's initial ARD may have to be held in less time than 30 days from the date the FIIE is completed.

When conducting the initial FIIE for a child who is about to turn 3, the child's date of birth drives all timelines.

*Referrals received from Part C/Early Childhood Intervention (ECI) less than 90 days prior to the child's 3rd birthday do not apply and will follow regular referral timelines. **See section below for student referrals not from ECI (ages 3-5) for more information on timelines.**

ECI Transition Meetings

Transition Meetings are held monthly with the ECI agencies. The meetings are held at the ECI office or via virtual format. Interpreters are available. The Program Manager of Evaluation, or a designee, will present an overview of the evaluation process and initial ARD meeting to the parents who attend ECI Transition Meeting.

The purposes for these meetings are to:

- Inform the parents of the transition process from ECI services to public school services.
- Describe the continuum of Early Childhood Special Education Services (ESCE) available in Fort Bend ISD.
- Describe the FIIE process.
- Describe the ARD process.
- Address any questions that the parent has regarding this transition.

The ECI referral information is submitted to FBISD by the ECI agency. FBISD staff process/upload the referral information and any additional documents to the EmpoWER system. The Program Manager of Evaluation, or a designee, reviews the referral information and assigns it to the Early Childhood evaluation team for completion. The FIIE must be completed, and the ARD held on or before the child's 3rd birthday.

Since the child is not attending school, the evaluator will contact the parent to schedule the FIIE and obtain the following:

1. Provide the Notice of Evaluation.
2. Obtain consent for the evaluation (date stamped when received).
3. Review and provide the TEA *Notice of Procedural Safeguards* and obtain a signed receipt.
4. Review and provide the Guide to the ARD Process and obtain a signed Parent/Guardian Acknowledgement Form.
5. Review and provide the TEA Overview of Special Education for Parents and obtain a signed copy of the form.

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- The evaluator will enter the date of consent and upload signed copies of the consent/receipts in EmpoWEr.
- The FIIE is submitted to the review team once completed in EmpoWEr.
- The evaluator will notify the campus evaluation staff of the FIIE submitted to the review team and third birthday due date.
- The evaluator will notify the appropriate Specialized Program Manager for review of evaluation data to support possible placement in the ECSE program if needed.
- If the review team agrees with the recommendations per the rubric, the evaluator will lock the FIIE in EmpoWEr indicating it is final and complete.
- If the review team is not in agreement with the findings, the evaluator will receive feedback from the review team with the specific clarifications/edits needed.
- When the edits are completed, the evaluator will email the Review Team member so the edits can be reviewed.
- Once the FIIE is locked, the evaluator will notify the appropriate campus staff member (i.e., CCC or Educational Diagnostician) to set up a staffing and ARD.
- The evaluation team will send a detailed email that will serve as the staffing to include the student's eligibility, ARD due date, parent contact information, and proposed programming needs (as appropriate). The evaluation team will also develop the student's proposed PLAAFPs and IEPs as appropriate.
- The evaluator will obtain the required FIIE signatures and provide copies/files to campus.
- It is the evaluator's responsibility to review the FIIE with the parent prior to the ARD. If the parent cannot be contacted, the team evaluator must notify the campus and plan to be present prior to the ARD meeting to review the FIIE results with parent.

*If the student does not qualify (DNQ) for special education services, the evaluator can offer specific information regarding recommended interventions and support.

**If the evaluation renders an eligibility of AU, EBD, or OHI for ADHD, it is the responsibility of the evaluator to complete the draft AU supplement, FBA (Functional Behavior Assessment), BIP (Behavior Intervention Plan), and Behavior/Social Skill goals/objectives for the ARD if recommended.

*** If additional forms need to be generated or faxed, such as a physician's form or consent to release information, the evaluator will complete this task.

Procedures for Referring a Student Not Yet Identified as Receiving Special Education Services for a Full Individual and Initial Evaluation (FIIE), ages 3-5 years old (Not from ECI)

Children ages 3-5 who are not enrolled in FBISD go through the Special Education Early Childhood Intake Center. When a parent contacts a campus and wants their 3–5-year-old child referred for a FIIE for special education, the campus should direct the parent to call the Early Childhood Intake Center appointment line at 281-634-1351. *Children with disabilities cannot begin attending FBISD until their 3rd birthday or at the date designated by an ARD committee.

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When a parent/guardian calls the Intake Center, the Intake Specialist who takes the call collects information including parent name, phone/email, child name/birthdate, and address. The Intake Specialist will verify the child's address/home campus and will send the parent the Early Childhood Intake Packet. The parent will return the packet as soon as possible. If the parent does not return the completed packet within a week, the Intake Specialist will contact the parent to follow up on the process.

*Once a student enrolls in Prekindergarten or Kindergarten, and the student is suspected of having a disability, the campus based initial evaluation procedures are followed. Campuses must enroll students with suspected disabilities rather than deferring enrollment contingent upon referring the student to the Special Education Early Childhood Intake Center.

FBISD staff process/upload the referral information and any additional documents to the EmpoWEr program. The Program Manager of Evaluation, or designee, reviews the referral information and assigns it to the Early Childhood evaluation team for completion. These students follow the same initial evaluation process for 3 is 3/ECI described earlier in this section except for timeline requirements. Please refer to the 3 is 3/Early Childhood Intervention (ECI) section earlier in this section to learn more about timelines.

Referrals (not from ECI) ages 3-5 follow the 45-school day initial timeline from the date of signed parental consent, as well as the special circumstances noted within the Initial Referral section in this document. An ARD committee meeting shall be held within 30 calendar days from the date of the completion of the Full and Individual Evaluation (FIE).

Additional Information - Head Start Agencies

Head Start agencies are federally funded programs. They are not considered a private school. Students attending Head Start who are not enrolled in a FBISD school who are suspected of having a disability may be referred to the Early Childhood Intake Center for a Full Individual and Initial Evaluation.

Eligibility for this program includes:

- Age birth to 5
- Low income
- Foster children (regardless of income)

10% of the total enrollment is made available to children w/ disabilities (however this does not necessarily mean the students are IDEA eligible).

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Limited English Proficient (LEP)

If the parent(s), legal guardian(s) or adult student is limited English proficient 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. 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 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 the content in the student's IEP. [19 TEX. ADMIN. CODE § 89.1050(i)]

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 by 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 limited English proficient, means the language normally used by the individual." [20 U.S.C. § 1401(30); 19 TEX. ADMIN. CODE § 89.1050(f)]

When obtaining informed consent and reviewing procedural safeguards, it is imperative that the Evaluation staff member properly informs and documents that the parent fully understands the information provided in their native language. If the parent declines the use of an interpreter in their native language, the Evaluator must document the refusal on the consent for evaluation form indicating that the parent understands and declines the need for an interpreter.

When scheduling ARD meetings, the CCC/ARD Facilitator/Evaluation Staff Member must indicate on the Parent/Guardian Acknowledgement Form in the comments text box that the parent fully understands the information and is declining the use of an interpreter in their native language.