

OPERATING PROCEDURES

REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES

Weslaco ISD

108-913

Prior to referral for a full individual and initial evaluation, students experiencing difficulty in the general classroom should be considered for 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 will refer the student for a full individual and initial evaluation."¹ Notwithstanding this provision, these general education or response to intervention strategies will not be used to delay or deny the provision of an evaluation.²

If parental or guardian consent is obtained for an evaluation, the District will consider and document the provision of any steps taken concurrently with the special education referral or evaluation process to address the academic or behavioral needs of the student giving rise to the referral. These steps may include the following—

- If a campus receives an initial referral for a student who is not currently receiving **evidence-based general education interventions or Multi-Tiered Systems of Support (MTSS)** available to all students, a designated campus administrator should promptly convene a meeting with the parent or guardian, student (as appropriate), and at least one of the student's general education teachers (preferably from one or more of the areas of academic and/or behavioral concern). The meeting's purpose will be to develop a plan of evidence-based general education interventions or MTSS. This meeting may not be used to delay or deny an evaluation.
 - If the student has been receiving evidence-based general education intervention or MTSS, the school counselor or designated campus administrator should promptly convene a meeting with the parent or guardian, student (as appropriate), and at least one of the student's general education teachers (preferably from one or more of the areas of academic and/or behavioral concern) to review and revise the student's current interventions and general education services plan, as appropriate. Such meetings should recur at regular, reasonable intervals throughout the pendency of the referral and/or evaluation process.
- IDEA does not prohibit a local campus within the District from “**screening**” a student to collect data that may be considered when determining whether the student is suspected of having a disability. Parental consent is not required before a campus-based committee reviews existing data as part of the special education referral process. Likewise, parental permission is not required before administering screenings or other assessments that are administered to all students generally without the requirement of parental consent. Written notice will be provided to parents of the scheduled screening

¹ 19 TEX. ADMIN. CODE § 89.1011(a).

² *Lisa M. v. Leander Indep. Sch. Dist.*, 924 F.3d 205, 209 n.4 (5th Cir. 2019); *Spring Branch Independent School District v. O.W. by Hannah W.*, 961 F.3d 781(5th Cir. June 12, 2020)

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or assessment; however, a campus will not use screening procedures to delay or deny the provision of a full individual and initial evaluation.³

- Students suspected of having a disability under Section 504 should be referred for an evaluation by a **Campus Section 504 Committee** and, if needed, the development by that Committee of an accommodation plan under Section 504. These referrals should be directed to the student's Campus Section 504 Coordinator/Contact (typically a School Administrator, or Campus Counselor). 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 a 504 accommodation plan, the Section 504 Committee should consider referring the student to campus personnel (Campus Counselor) to determine whether a full individual and initial evaluation is appropriate under the circumstances.
- For students who transfer to the District from a residential facility or other private school, the school counselor should obtain written consent from the student's parent or guardian to communicate with and request records from the residential facility or other private school and convene a meeting to discuss whether a referral for special education and related services is appropriate.
- Students suspected to have **dyslexia and related disorders** may be referred for an initial evaluation for special education and related services or to a Section 504 Committee. In accordance with TEA's *The Dyslexia Handbook* (2018 Update)⁴, if the Campus Section 504 Coordinator/Contact suspects that a student has dyslexia or a related disorder but does not require specialized instruction, the student should be referred to the Section 504 Committee, which will assess the qualification of the student and whether the student may receive standard protocol dyslexia instruction and accommodations. If the Campus Section 504 Contact determines that data leads to the suspicion of dyslexia or a related disorder and that the student needs specially designed instruction as a result of dyslexia or a related disorder, the student should be referred to special education for a potential full individual and initial evaluation, if appropriate.

³ Letter to Mills (OSEP 05/02/19).

⁴ TEA's [The Dyslexia Handbook \(2018 Update\)](https://tea.texas.gov/academics/dyslexia/) is available at <https://tea.texas.gov/academics/dyslexia/>.