samegoal

Initial Referral to Special Education

When a student is first placed under eligibility review for special education services, they are typically referred for evaluation by a teacher or parent, or in some cases, when the RTI process recommends special education.

How to complete an initial referral

Steps *Steps to complete an initial referral to special education:*

1. Complete a **Referral for Initial Evaluation**
    - If there was a pre-referral process with supporting documents, you may add them as attachments directly to the referral document or you can create a separate **Student Observation** document.
    - If you are creating the referral but will not be doing the remainder of the paperwork, share the document with whoever will be responsible and set them as the owner so any future deadlines are assigned to them.
2. Complete a **Prior Written Notice** and specify you will **propose** to **initiate** the **evaluation of the child** to notify the parent/guardian *and* complete a **Consent for Initial Evaluation** and share it with the parent/guardian to obtain consent.
    - Rather than completing two separate documents, some districts choose to complete a **Notice and Consent for Evaluation** instead so they can notify the parent/guardian and obtain consent with one document. If you use this document, specify it is for an **initial evaluation**.
3. Conduct a **Full and Individual Evaluation** (FIE) to determine the student's eligibility for special education services.
4. Send a **Notice of ARD Committee Meeting** where the purpose is to **develop, review, and/or revise the student's IEP**.
5. Fill out the initial **Individualized Education Program** (IEP).
6. After completing the IEP, send a **Prior Written Notice** to the parent/guardian to inform them you **propose** to **initiate** the **educational placement of the child** or the **free appropriate public education to the child**.

7. Create a **Consent for Services** to obtain parent/guardian consent. This is required for an initial IEP.
    - Once this is completed, if the parent/guardian gave consent, the child will be considered to be participating in the special education program.
8. Last, create a **Special Education Funding Tool** to determine the tier of intensity for the student.

Calculating deadlines with absences

An initial FIE is due 45 school days after consent (assuming there are no absences). However, if the student is absent for 3 or more days, the FIE deadline should be recalculated to account for the absences. Historically, there have been two different ways districts have recalculated this deadline.

The first way is to account for all absences before the new due date, which is supported by this TEA resource. For example:

- Consent granted on 1/1/25.
- Initial evaluation due on 3/5/25 (45 school days after consent).
- Student is absent 5 times within the original 45 day window.
- Student is also absent 5 times after the original deadline.
- The new deadline is 3/19/25 (10 school days after the original deadline). All 10 absences are taken into account.

However, the second strategy, which is supported by Texas Case Law, only accounts for absences that fall within the original 45 day window. Any day that a student is absent after the original deadline is not taken into account. For example:

- Consent granted on 1/1/25.
- Initial evaluation due on 3/5/25 (45 school days after consent).
- Student is absent 5 times within the original 45 day window.
- Student is also absent 5 times after the original deadline.
- The new deadline is 3/12/25 (5 school days after the original deadline). The 5 absences that occurred after the original deadline aren't taken into account.

Some districts may have calculated this both ways in the past, but because case law indicates the stricter timeline should be used, SameGoal follows the more conservative approach and recalculates the FIE deadline to account only for absences that occur within the original 45 day window and any absences beyond the original 45 day window will not extend the deadline.