

10 Steps in the Special Education Process

If your child is having trouble in school, it's important to find out why. Your child may have a disability. By law, schools must provide special help to eligible children with disabilities. This help is called **special education and related services**.

The Individuals with Disabilities Education Act (IDEA) is the federal law that guides how states, school districts, and public agencies provide early intervention, special education and related services to eligible infants, toddlers, children and youth with disabilities.

There's a lot to know about the process by which children and youth are identified as having a disability and in need of special education and related services. We've simplified the process into 10 basic steps. Once you have the big picture of the process, it's easier to understand the many details under each step.

Step 1. Child is identified as possibly needing special education and related services

There are two primary ways in which children and youth are identified:

- System known as Child Find, and
- By referral of a parent or school personnel.

What is Child Find?

Each state, including Texas, is required by IDEA to identify, locate, and evaluate all children with disabilities in the state who need special education and related services. Often known as Child Find activities. [IDEA, Sec. 300.111](#)

When a child is identified by Child Find as possibly having a disability and as needing special education, parents must be asked for permission to evaluate their child. Parents can also contact their local school and ask that their child be evaluated.

Referral or request for evaluation by a parent

Texas rules say "if a **parent submits a written request** to a school district's **director of special education services or to a district administrative employee** for a full individual and initial evaluation [FIIIE] of a student, the school district must, **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 ...; a copy of the procedural safeguards notice ...; and 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 ..., and a copy of the procedural safeguards notice.” [19 Texas Administrative Code §89.1011\(b\)](#)

We encourage parents to submit requests for evaluation in writing. Talking with a child’s teacher or other school professionals about concerns and possible evaluation is appropriate, but putting a request for an evaluation in writing provides documentation of following the State rule, and should get a response the fastest. According to the Texas Education Agency’s *Parent’s Guide to the Admission, Review, and Dismissal Process* document published February 2021, “Please note that a request for a special education evaluation may be made verbally and does not need to be in writing...There is not a specific timeline requirement for responding to verbal requests, but schools are encouraged to follow the same 15-school-day timeline described above.”

Parental consent is needed before a child may be evaluated. Texas rules give schools some latitude on when an evaluation needs to be completed depending on when consent was signed by the parent. [19 Texas Administrative Code §89.1011\(c\),\(d\),\(e\),\(f\)](#)

Step 2. Child is evaluated

Evaluation is an essential early step in the special education process for a child. It is intended to answer these questions:

- Does the child have a disability that requires the provision of special education and related services?
- What are “all of the child’s specific education and related service needs, whether or not commonly linked to the disability category”? [IDEA, Sec. 300.306](#)
- What special education services and related services, then, are appropriate for addressing those needs?

By law, the initial evaluation of the child must be “full and individual”—which is to say, focused on that child and that child alone. The evaluation must assess the child in all areas related to the child’s suspected disability and include information from the parent.

The law requires that evaluation results be used to decide the child’s eligibility for special education and related services and to make decisions about an appropriate educational program for the child.

Step 3. ARD meeting is scheduled

Within 30 calendar days from the date of the completion of the initial evaluation report, the ARD committee (called the IEP team in IDEA), must make its decision regarding eligibility, and if eligible, develop an individualized education program (IEP). “If the 30th day falls during the summer and school is not in session, the student’s ARD committee has until the first day of classes in the fall to finalize decisions concerning the student’s initial eligibility determination, IEP, and placement, unless the full individual and initial evaluation indicates that the student will need extended school year services during that summer.” [19 Texas Administrative Code §89.1011\(d\)](#)

The school schedules and conducts the ARD Meeting. By law, school staff must:

- Contact the participants, including the parents;
- Notify parents early enough to make sure they have an opportunity to attend;

- Schedule the meeting at a time and place agreeable to parents and the school;
- Tell the parents the purpose, time, and location of the meeting;
- Tell the parents who will be attending; and
- Tell the parents that they may invite people to the meeting who have knowledge or special expertise about the child.

Step 4. ARD meeting is held and eligibility is decided

If the parents do not agree with the eligibility decision, they have the right to request that the district pay for an Independent Educational Evaluation (IEE), and to request a due process hearing to challenge the decision.

Step 5. Child is found eligible for services and the child's IEP is written

The ARD committee gathers to talk about the child's needs and write the Individualized Education Program (IEP). Parents and the child (when appropriate) are full participating members of the ARD committee.

An Individualized Education Program (IEP) is a written statement of the educational program designed to meet a child's individual needs. Every child who receives special education services must have an IEP.

The IEP has three general purposes:

- To identify your child's present levels of academic achievement and functional performance (PLAAFP) and how your child's disability affects his or her involvement and progress in the general education curriculum,
- To set reasonable learning goals for your child, and
- To state the services that the school district will provide for your child.

Once the ARD committee has decided what services the child needs, a decision must be made about placement (where identified services will be carried out). In deciding the child's placement, the ARD committee must make sure that the child has the maximum opportunity appropriate to learn with children who do not have disabilities—in academic, nonacademic, and extracurricular activities. This part of IDEA is called Least Restrictive Environment or LRE. [IDEA, Sec. 300.114](#)

Before the school system may provide special education and related services to the child for the first time, the parents must give consent. The child begins to receive services within five school days after the IEP is written and this consent is given unless the parent and school agree to start sooner. "If you do not consent to the initial provision of services, the school may not ask for mediation or request a due process hearing to override your refusal to consent to services. No special education and related services will be provided if you refuse consent." *Parent's Guide to the Admission, Review, and Dismissal Process, February 2021*

Disagreement with the IEP

If the parents do not agree with the decisions in the IEP, they may discuss their concerns with the other ARD committee members and try to come to an agreement or consensus. Texas law allows parents to also ask that the ARD meeting be recessed so that committee members can consider alternatives, gather additional data, prepare further documentation, and/or obtain additional resource persons who may assist in enabling them to reach a mutual agreement. If after a recess an ARD committee still cannot reach a mutual agreement, the school district must implement the IEP that it has determined to be appropriate for the student. Each member of the ARD committee

who disagrees with the IEP developed by the ARD committee is entitled to include a statement of disagreement in the IEP ([19 Texas Administrative Code §89.1050\(g\)](#)). Parents can ask for mediation, file a state complaint request, or a due process hearing.

Step 6. After the IEP is written, services are provided

The law requires schools to ensure that the child's IEP is carried out as it was written. Parents are to be given a copy of the IEP. Each of the child's teachers and service providers are to have access to the IEP and know their specific responsibilities for carrying out the IEP. This includes the accommodations, modifications, and supports that must be provided to the child, in keeping with the IEP.

Step 7. Progress is measured and reported to parents

The child's progress toward the annual goals is measured, as stated in the IEP. Progress reports should be provided to parents concurrent with report cards. Parents can and should request ARD meetings if they feel that adequate progress is not being made, additional goals are needed, or have other concerns.

Step 8. IEP is reviewed

The child's IEP is reviewed by the ARD committee at least once a year, or more often if the parents or school ask for a review. Parents, as ARD committee members, must be invited to participate in these meetings. Parents can make suggestions for changes, can agree or disagree with decisions, and agree or disagree with the placement. The options listed in Step 5 are also available at this time.

Step 9. Child is reevaluated

At least every three years the child must be reevaluated. The purpose of the reevaluation is to find out if the child continues to be a "child with a disability", and if he or she continues to need special education and related services. However, the ARD committee "may determine that no additional data are need" to make these determinations. [IDEA, Sec. 300.305](#)

A child can be reevaluated more often if conditions warrant or the parent or teacher requests one.

Step 10. Child or youth exits special education services

By law in Texas, a child or youth may exit special education services by:

- ARD committee determining that the child or youth no longer meets eligibility as a child with a disability.
- Parent or adult student (age 18 or older) withdrawing consent for special education and related services.
- Graduation – meeting the state academic requirements, with or without satisfactory performance on end of course testing or "successfully complete the individualized education program (IEP) and meet one of the following conditions:
 - Consistent with the IEP, the youth has obtained full-time employment, based on the youth's abilities and local employment opportunities, in addition to mastering sufficient self-help skills to enable the youth to maintain employment without direct and ongoing educational support of the local school district.
 - Consistent with the IEP, the youth has demonstrated mastery of specific employability skills and self-help

skills that do not require direct ongoing educational support of the local school district.

- The youth has access to services that are not within the legal responsibility of public education or employment or educational options for which the youth has been prepared by the academic program.
- The youth no longer meets age eligibility requirements.” [19 Texas Administrative Code § 89.1070](#)



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